

ADDENDUM No. 2 STATEMENT OF ENVIRONMENTAL EFFECTS

178 Lang Street, Kurri Kurri, and unnamed laneway

Proposed redevelopment of “Kingsway Plaza” shopping centre:

- demolition of existing structures and site works;
 - staging of laneway changes, part road closure, relocation, and extension of existing laneway road with associated subdivision;
 - alterations and additions to the Lang Street existing pharmacy building,
- construction of a new commercial building with two specialty shops and a new Woolworths supermarket store usage and fit out, including:
 - mezzanine offices, plant room and plant deck,
 - car parking,
 - “Direct to Boot” bays,
 - signage and public art spaces,
 - loading facilities, and
 - landscaping and public domain improvements.

For:

LCI Partners Pty Ltd

Submitted to:

Cessnock Shire Council

Date:

February 2024

2022.0002

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TABLE OF CONTENTS

1.	INTRODUCTION.....	1
1.1	REPORT STRUCTURE	2
1.2	HISTORY / BACKGROUND	2
1.2.1	Pre-lodgement Meetings	2
1.2.2	Council Meeting 19 October 2022 – Unnamed Laneway In-principal Land Owners’ Consent	5
1.2.3	Hunter & Central Coast Regional Planning Panel – Record of Kick-off Briefing6	
1.2.4	Council Request for Information (RFI) Letter	7
1.2.5	Hunter & Central Coast Regional Planning Panel – Briefing.....	7
1.2.6	Meeting with Council’s Contributions Team to discuss draft VPA Offer	8
1.2.7	Meetings with Council Assessment Staff to Discuss Laneway Widening	8
1.2.8	List of Design Changes	11
1.2.9	Responses to Council’s RFI for DA No. 8/2023/64/1	14
1.2.10	Responses to Hunter and Central Coast Regional Planning Panel Briefing Notes 22	
1.3	APPLICANT’S CONSULTING REPORTS AND DRAWINGS.....	32
2.	THE SITE	40
2.1	LOCATION AND CONTEXT	40
2.2	LEGAL DESCRIPTION	41
2.3	SURROUNDING SITE DEVELOPMENT	42
2.4	SITE ACCESS AND PUBLIC TRANSPORT	45
2.5	INFRASTRUCTURE AND SERVICES.....	45
3.	DESCRIPTION OF THE PROPOSED DEVELOPMENT	46
3.1	OVERVIEW OF THE PROPOSAL	46
3.2	URBAN DESIGN, SITE ANALYSIS AND STREETScape PRESENTATION	47
3.3	PROPOSED DEVELOPMENT STATISTICS AND USAGE.....	51
3.4	FINISHES AND MATERIALS	55
3.5	TRAFFIC, ACCESS, AND PARKING	55
3.5.1	Pedestrian access.....	55
3.5.2	Vehicle access	55
3.5.3	Car parking	55
3.6	CIVIL AND STRUCTURAL ENGINEERING	55
3.7	LANDSCAPING.....	56
3.8	STORMWATER MANAGEMENT	56

3.9	SIGNAGE INFORMATION.....	56
3.10	WASTE MANAGEMENT	56
3.11	UTILITY INFRASTRUCTURE INSTALLATIONS AND UPGRADES	57
4.	ENVIRONMENTAL ASSESSMENT	58
4.1	COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT	58
4.2	NSW BIODIVERSITY CONSERVATION ACT 2016	58
4.3	NSW ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A ACT)	58
4.3.1	Section 2.12 of the EP&A Act – District and Regional Planning Panels	58
4.3.2	Section 2.17 of the EP&A Act – Local Planning Panels.....	59
4.3.3	Section 4.13 of the EP&A Act – Consultation and Concurrence	60
4.3.4	Section 4.13B of the EP&A Act - Concurrence	60
4.3.5	Section 4.15 of the EP&A Act - Evaluation	60
4.4	SECTION 4.15(1)(A)(I) – ENVIRONMENTAL PLANNING INSTRUMENTS	61
4.4.1	Cessnock Local Environmental Plan 2011	61
4.4.2	State Environmental Planning Policy (Transport and Infrastructure) 2021 67	
4.4.3	State Environmental Planning Policy (Resilience and Hazards) 2021	69
4.4.4	State Environmental Planning Policy (Planning Systems) 2021	71
4.4.5	State Environmental Planning Policy (Industry and Employment) 2021 – Chapter 3 Signage	72
4.5	SECTION 4.15(1)(A)(II) ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT... ..	75
4.6	SECTION 4.15 (1) (A) (III) DEVELOPMENT CONTROL PLANS	76
4.6.1	Cessnock Development Control Plan 2010	77
4.7	SECTION 4.15 (1) (A) (IIIA) PLANNING AGREEMENTS	79
4.8	SECTION 4.15 (1) (A) (IV) ANY MATTER PRESCRIBED BY THE REGULATION	79
4.9	SECTION 4.15 (1) (A) (V) REPEALED	79
4.10	SECTION 4.15 (1) (B) IMPACTS OF DEVELOPMENT	80
4.10.1	Context and setting	80
4.10.2	Public Domain	80
4.10.3	Lighting Assessment.....	80
4.10.4	Heritage.....	80
4.10.5	Access, traffic, and parking	80
4.10.6	Natural and Technological Hazards.....	80
4.10.7	Waste Management.....	80
4.10.8	Flora and Fauna.....	81

4.10.9 Contamination	81
4.10.10 Utility service infrastructure	81
4.10.11 Crime Prevention Through Environmental Design	81
4.10.12 Economic Impact	83
4.10.13 Air and microclimate	83
4.10.14 Construction Management.....	83
4.10.15 Cumulative Impact.....	83
4.11 SECTION 4.15(1)(C) SITE SUITABILITY	84
4.12 SECTION 4.15(1)(E) THE PUBLIC INTEREST	84
4.13 SECTION 4.46 OF THE EP&A ACT - INTEGRATED DEVELOPMENT.....	84
5. SUMMARY AND CONCLUSION	87

APPENDICES

Appendix A: Updated Site Survey

Appendix B: Amended Architectural Drawings, Site Analysis Plan, Demolition Plan, Notification Plan, Signage Drawings and Staging Drawing and List of Changes

Appendix C: Amended Landscape Architectural Drawing and New Public Domain drawings

Appendix D: QS Cost Letter

Appendix E: Traffic Impact Assessment Report and Additional Traffic Response Letters and email

Appendix F: Access Report and Access Design Certification

Appendix G: Waste Management Plans

Appendix H: NCC Section J Report

Appendix I: Amended Engineering Drawings

Appendix J: Acoustic Report

Appendix K: Preliminary & Detailed Site Investigation

Appendix L: Updated Heritage Impact Statement

Appendix M: Updated Crime Prevention Through Environmental Design Report

Appendix N: Acid Sulfate Soils Assessment and Soil Salinity Assessment Report

Appendix O: 2nd Pre-lodgement Meeting Notes

Appendix P:	Hunter Water Approval
Appendix Q:	Social Impact Assessment
Appendix R:	BCA Statement and Fire Engineering Statement
Appendix S:	Urban Design and Site Analysis Report
Appendix T:	<u>Community Engagement Report</u>
Appendix U:	<u>Urban Design Peer Review</u>
Appendix V:	Amended <u>VPA Letter of Offer</u>

Please note, items listed above which are underlined are new information with this Further Addendum SEE, and Higgins Planning takes no responsibility for work products prepared by others as listed in **Table 5**.

FIGURES

Figure 1:	Aerial image of existing site.
Figure 2:	Aerial image showing the cadastral lot overlay site outlined in red and shaded yellow.
Figure 3:	Cadastral Information.
Figure 4:	Lang Street 3D visualisation of renewed Lang Street presentation with level pedestrian access and new plaza.
Figure 5:	Lang Street 3D visualisation of renewed Lang Street presentation with level pedestrian access and new plaza.
Figure 6:	Barton Street 3D visualisation with pedestrian visual connections and active frontage.
Figure 7:	Lang Street wide view 3D visualisation with pedestrian visual connection via proposed plaza, creation of curtilage to Kurri Kurri Hotel and active shop frontage.
Figure 8:	Barton Street 3D visualisation with mezzanine level office windows.
Figure 9:	Unnamed Laneway preferred location for public art installation labelled "Public Art wall to laneway" to replace existing view from Kurri Kurri Hotel car park.
Figure 10:	Barton Street Option 1 for Public Art (South elevation – Barton Street).
Figure 11:	CLEP Land Zoning Map extract
Figure 12:	CLEP Heritage Map Extract

TABLES

Table 1:	Applicant's responses to Council's RFI letter dated 17 May 2023
Table 2:	Applicant's responses to HCCRPP matters.
Table 3:	Applicant's responses to Council's RFI letter dated 25 January 2024
Table 4:	CPTED considerations
Table 5:	Specialists Documents and Appendix References
Table 6:	Development Data
Table 7:	Summary of proposed signage
Table 8:	Summary of IHAP criteria
Table 9:	Assessment of the proposed development against the zone objectives
Table 10:	Assessment of proposed signage against Schedule 1 of SEPP

LIST OF PHOTOGRAPHS

- Photo 1: View of existing Kingsway Plaza from Lang Street.
- Photo 2: View of existing Kurri Kurri Hotel to the immediate west along its Lang Street frontage
- Photo 3: View of existing shops fronting Lang Street to the east of the site.
- Photo 4: View of existing shops fronting Lang Street looking south towards the subject site from the middle of Lang Street.
- Photo 5: View of existing at-grade car parking area to rear of Kurri Kurri Hotel with access from Hampden Street.
- Photo 6: View of existing two-level building the Kingsway Plaza fronting Barton Street.
- Photo 7: View of entry / exit to the Kingsway Plaza from existing unnamed laneway and at-grade car parking area.
- Photo 8: View of existing eastern elevation of the Kingsway Plaza along the unnamed laneway frontage from within the at-grade car parking area to the east of the existing building.
- Photo 9: View of rear of properties along existing unnamed laneway to the east of the site.
- Photo 10: View of rear of properties along unnamed laneway further east of the site.
- Photo 11: View of unnamed laneway along the eastern elevation of the existing Kingsway Plaza building towards Barton Street.
- Photo 12: View of the Barton Street façade of the Kingsway Plaza.
- Photo 13: View of southern side of Barton Street opposite the site.
- Photo 14: View of existing driveways from at-grade car parking area and existing dwelling house at Barton Street frontage of the site.

1. INTRODUCTION

This report constitutes a Further Addendum Statement of Environmental Effects (Further Addendum SEE) accompanying an Amended Development Application (Amended DA) for the proposed redevelopment of the existing “Kingsway Plaza” shopping centre:

- demolition of existing structures and site works;
- laneway improvements and staging including part road closure, relocation, and extension of existing laneway road with associated subdivision;
- alterations and additions to the Lang Street existing pharmacy building,
- construction of a new commercial buildings with two specialty shops and new Woolworths supermarket store with usage and fit out, including:
 - mezzanine offices, plant room and plant deck,
 - car parking,
 - “Direct to Boot” bays and storage,
 - signage , publicly accessible plaza, and public art space,
 - loading facilities, and
 - landscaping and public domain improvements.

This SEE report is submitted to:

Cessnock City Council

Address of land affected:

178 Lang Street, Kurri Kurri NSW, and unnamed laneway.

This SEE has been prepared for the applicant LCI Partners c/- Higgins Planning Pty Ltd (HP) in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2021* (EP&A Reg.).

This SEE provides:

1. Background details and Responses to the Hunter & Central Coast Regional Planning Panel notes and Council’s Request for Information
2. A description of the site and locality;
3. A description of the proposed development;
4. An assessment of relevant environmental planning considerations under Section 4.15 of the EP&A Act including compliance with relevant planning instruments and controls, environmental impacts, site suitability and the public interest;
5. Conclusions on the environmental planning assessment and merits of the proposed development on which the application can be supported by Council and granted consent.

1.1 REPORT STRUCTURE

This SEE is to be read in conjunction with the supporting documentation in its appendices and is structured as follows:

- Part 1 – Introduction and Background;
- Part 2 – Site and Locality;
- Part 3 – Description of the Proposed Development;
- Part 4 – Assessment against the applicable Commonwealth, State, and local planning controls; and
- Part 5 – Summary.

1.2 HISTORY / BACKGROUND

1.2.1 Pre-lodgement Meetings

On 15 June 2022, the applicant and design team met with Council staff concurrently face to face and via video conference to discuss a preliminary concept design for the proposed development in a pre-lodgement meeting. Council provided feedback via email dated 23 June 2022 in which Council advised:

Thank you for meeting with Council to discuss the proposal of re-development of retail shopping centre. I apologise on the delay in forwarding the comments to you.

Please find the below notes that were discussed during the meeting for your consideration.

- *The proposal is supported in principle in consideration of Council's Kurri Kurri Masterplan and Kuri Kurri Strategy objectives. The compliance with these strategies must be considered as part of any future application.*
- *From a design perspective, Page 56 of the Kurri Kurri Masterplan sets out a concept plan for a pedestrian arcade to improve access between Lang Street and the car parking area within Lot 136. The proposed design (Plan 11118_SK026) appears to incorporate an area for the proposed pedestrian arcade as 'shared zone'. This is supported. It is recommended that, as part of the development, the developer embellish the 'shared zone' to provide a pedestrian arcade between Lang Street and the car parking area within Lot 136, generally in accordance with the adopted Kurri Kurri Masterplan.*
- *Warren Jeffery can be contacted on 49934283 to discuss parking in road reserve.*
- *It is recommended to seek your own legal advice with respect to the lane way / land swap under the applicable provisions of the Road Act 1993 in an attempt to fast track the process of progressing the lane way. Upon the advice, the best people to speak with at Council is either Peter Waghorn from Property Services and Rubiul Awal from Roads, both of which can be contacted on 4993 4100.*
- *Should the laneway land swap and subsequent construction be submitted separately to the redevelopment of the retail premises, it may negate the requirement for the application to be considered by the Regional Planning Panel.*
- *Whilst the building is not identified as an item of heritage significance, The site is however, situated within the vicinity of numerous heritage items, including:*
 - *'Kurri Kurri Hotel' at 180 Lang Street (Item No.1125). Located directly adjacent to the site.*

- 'Masonic Hall' 130 Barton Street (Item No. I228). Located directly opposite the site.
- 'Kurri Kurri Band Rotunda' Lang Street (Item No. I127). Located in the vicinity of the site.

The following comments have been provided by Council's Heritage Consultant, Michael Edwards.

- *The existing building displays characteristics which attribute it to the late 20th century and is loosely attributed to the Late 20th Century Post Modern architectural style. The building is not considered a notable or representative example of the style and has low architectural value to the understanding of the historical phases of development of the Kurri townscape, together with little aesthetic value to the streetscape or adjoining heritage items.*
- *No objections are raised in principle to the demolition of the existing building.*
- *While the site is not situated within a heritage conservation area, the site adjoins a heritage item and is within the vicinity of numerous heritage items. It is important that any redevelopment of the site, comprises a sympathetic development that harmoniously relates to and complements the heritage items. This will be considered through how any replacement built form (and development as an ensemble, including excavation works, public domain upgrade works etc) relates to the heritage items through scale, form, language, materials, colour finishes, etc.*
- *As the site forms the visual backdrop to the Kurri Kurri Hotel, it is important that any future built form does not visually dominate the heritage item and ensures that it remains visually prominent by virtue of its corner allotment presentation, but also owing to the low scale of buildings directly behind, which gives the Kurri Kurri Hotel its sense of prominence within the streetscape.*
- *Any future built form must ensure that the architectural treatment (language, form, materials) positively relates to the Kurri Kurri Hotel. There is opportunity to improve the visual presentation of the building in the visual backdrop to the heritage item by avoiding unarticulated planar walls and incorporating design features which positively relate to the heritage item. This could be achieved through introducing a palette of similar materials to the hotel building, with variance in the external elevations to reduce the planar forms. Similarly, the height of any built form should be kept to a minimum and not compete with the scale of the hotel.*
- *The future built form should also incorporate suitable setbacks and articulation to the Lang Street elevation, particularly in the westernmost corner adjoining the Kurri Kurri Hotel. Future built forms should not extend beyond the main front elevation of the heritage item, but may incorporate a transitional zone to extend to the front boundary in much the same manner as the existing building does. The objective of this requirement is to retain the visual prominence and landmark qualities of the Kurri Kurri Hotel, to ensure that sight lines are maintained, and to ensure that the replacement built form on the site does not obscure important views to the heritage item or obscure significant features. In particular, the views obliquely along Lang Street heading southwest towards the heritage item are of high importance and must not be obscured or diminished.*
- *Any basement level excavation may trigger the need for an archaeological assessment to be undertaken. Additionally, no basement excavation works would be permitted within the zone of influence of the heritage item and detailed structural engineering drawings would be required to demonstrate how any works will be undertaken without impacting on the structural integrity of the heritage item.*

- *As no elevation plans have been provided at this juncture, no detailed comments can be provided on the built form. The building has the strong possibility of being visually prominent by virtue of its sheer scale and footprint, extending over the existing open carpark area. It is recommended that careful consideration be given to how the massing of the building is resolved, to ensure the building respects the pattern of development and continuity of the streetscape, which is comprised of smaller individual buildings.*

In addition, HP sought clarification on several items via reply email as follows:

I would also like to check with you / Council about the following items in addition to your preliminary list below:

- *HP: any Mine Subsidence Mapping / will any proposed DA trigger a referral?*

Council: The site is not mapped within subsidence zone.

- *HP: who is the authority for connection to water and sewer infrastructure?*

Council: Hunter Water is the water and sewer authority. Preliminary discussions with Hunter Water is required for all applications as Hunter Water must stamp all plans submitted to Council, detailing their service availability to the site.

- *HP: Who is the authority for power / electricity in this location? And will a referral be completed by Council?*

Council: Ausgrid. If the development proposes the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower, the application will be referred to Ausgrid. A DBYD is recommended to be obtained during your preliminary investigations.

- *HP: Will an infrastructure services report be required?*

Council: For a site in the location of this nature, we would not require a infrastructure services report.

- *HP: Any soil salinity mapping?*

Council: None identified on mapping.

- *HP: Will Council require stormwater concept design drawings and considerations which need to be included – such as OSD / WSUD model?*

Council: Stormwater details and designs must be submitted at DA stage.

- *HP: Will a preliminary site investigation be acceptable with respect to contamination under the Resilience and Hazards SEPP?*

Council: You will need to undertake preliminary investigations as to whether the site history may indicate a use that may contaminate the site and provide a PSI if required.

- *HP: On average how long is it taking to gain comments back from TfNSW for similar type / size of DAs?*

Council: We have been experiencing delays in the last 6 months due to the development numbers across the Hunter. It may be best to have preliminary discussions with TfNSW in this regard.

Subsequently, a second pre-lodgement meeting was requested by the applicant's design team via email dated 16 November 2022, which advised:

1. *The applicant proposes an extension of the existing unnamed laneway through their land as part of a “land swap” with Council and the closure of the existing unnamed laneway through the middle of the site. As shown in the pre-DA package DA05 site plan, the existing portion of the unnamed laneway sought to be closed is 459 sqm in area and the owner of the land has allowed for the redirected unnamed laneway through their site being 578 sqm with the extension of the unnamed laneway to the west (at the same width of the existing unnamed laneway). This represents a net gain of 119 sqm for Council and avoids a “dead end” to the unnamed laneway.*
2. *The applicant also wishes to respond to the matters raised by Council’s heritage adviser by creating a “plaza” adjacent to Lang Street and the existing heritage listed Kurri Kurri Hotel (Hotel), so as to improve sight lines along Lang Street to the Hotel and respond positively with the inclusion of a curtilage around the hotel where currently none exists.*
3. *The entry to the supermarket when approaching from the Lang Street frontage offers the best available visual connection at-grade for pedestrians and sight lines for way-finding signage.*
4. *The proposed building facade is a combination of textured/stone cladding on the lower levels, specifically in recessive grey colour to combine with the warmer expressed joint cladding of the main supermarket building. When viewed from the heritage hotel building this will present as a “calmer” background element and doesn’t compete with the Hotel building. The colour tones reflect the warmer creams in the heritage building itself.*
5. *There are proposed locations for integrating landscaping on the upper-level carpark, which are shown provisionally in the 3Ds.*
6. *The plaza is to be retained and intended to be used alongside the retail tenancies fronting Lang Street to promote site lines and activation. The plaza will include bollards and planter boxes to ensure only pedestrians can access the space.*

Council hosted this 2nd pre-lodgement meeting concurrently again face to face and online on 2 December 2022.

The matters raised by Council (see **Appendix O**) have been addressed with the preparation of supporting reports and design details included with this DA.

1.2.2 Council Meeting 19 October 2022 – Unnamed Laneway In-principal Land Owners’ Consent

The applicant’s representative met with Council’s Infrastructure Manager following the 1st Pre-lodgement Meeting and submitted a request for Council to consider the realignment of the existing unnamed laneway and grant land owners’ consent.

Council considered a report of the Infrastructure Manager (Works and Infrastructure Report No. WI65/2022) at its meeting held on 19 October 2022, at which Council resolved:

1. *That Council authorise the Common Seal of Cessnock City Council to be affixed to the Land Owners Consent letter;*
2. *That Council authorise the Mayor and the General Manager to execute the Plan of Road re-alignment if required;*
3. *That following the determination of the proposed DA and associated consent conditions relating to the proposed closed road and the land vesting in Council, Council grant to the General Manager delegated authority to negotiate the sale (based on an independent valuation) by private treaty with the adjoining landowner.*

On 31 October 2022, Council issued on its letterhead and with the seal affixed “in-principal” land owners’ consent. A copy of which has been uploaded (along with the site owners’ consents) with this DA package as included on the PAN issued by the NSW Planning Portal.

1.2.3 Hunter & Central Coast Regional Planning Panel – Record of Kick-off Briefing

On the 4 April 2023, the Hunter and Central Coast Regional Planning Panel hosted a “kick-off briefing” meeting at which the assessment staff from Cessnock City Council and the applicant attended.

The notes issued state:

Council is yet to undertake its full assessment of the application, so this record is not a final list of the issues they will need to consider in order to draft their recommendation.

The application is yet to be considered in detail by the Hunter & Central Coast Regional Planning Panel and therefore future comment will not be limited to the detail contained within.

The Council advised the following concerns:

- *The Applicant has been liaising with Council regarding the relocation of this and a proposed land-swap which is supported by a Council resolution from October 2022. However responsibility for consultation processes is not clear.*
- *An issue has arisen in that the existing lane provides for 2-way circulation, however Council’s initial view is that one way movement is likely to be required because of the additional traffic.*
- *The applicant attended 2 pre-DA meetings in which the one way circulation and consultation with all affected land owners was requested. The DA as lodged does not reflect this advice.*
- *Council will need to understand sequencing, phasing and construction processes.*
- *The site is zoned B2 Local centre which supports this type of use.*

The HCCRPP advised:

- *This is a preliminary briefing and the Panel will seek to have further briefing/s with Council and the Applicant as required.*
- *A key aspect of this application will be the closure of the lane. The development cannot be approved over a public road and the closure and relocation of the road is usually a separate process. It can occur in parallel.*
- *Any change in the functioning of the lane that alters existing access arrangements to the properties off this lane will require detailed consultation with all affected property owners.*
- *The Panel suggest an early meeting with Council to resolve the required consultation for the road closure. Council’s Planning Team must be involved in this process.*
- *The Panel will seek to understand the adopted Town Centre Masterplan and any differences being proposed and will be discussing this further with Council.*
- *The Panel indicated that further work was likely to be required to address CPTED which is important for a development of this type.*
- *The Panel will need to understand normal operating conditions including hours of operation, traffic and car parking, loading and unloading, presentation and fit within the street.*
- *The proposed separation to heritage item is seen as a positive.*

The Panel will seek a further update with Council, specifically in relation to its responsibilities under the Roads Act and how these relate to the current DA and how processes for closure and opening of roads can occur as part of the DA process. If the DA proposes changes to the access arrangement and existing masterplans there needs to be clear and adequate community consultation of these matters.

The Panel noted that the Social Impact Assessment submitted with the DA doesn't include consultation and therefore doesn't meet Council's guidelines.

Following receipt of the notes from the HCCRPP, the applicant via email dated 18 April 2023 requested a meeting with Council. The applicant's design team met with Council on 5 May 2023 to discuss the items raised by the HCCRPP and the matters raised by Council.

1.2.4 Council Request for Information (RFI) Letter No 1

On 17 May 2023, Cessnock City Council issued a letter (Council RFI) with its preliminary assessment and request for further information. The matters raised in the Council RFI are addressed in **Table 1** below.

1.2.5 Hunter & Central Coast Regional Planning Panel – Briefing

On 6 June 2023, the HCCRPP met again to discuss this DA. Only the Council attended this meeting. The HCCRPP issued the following information:

- *Post the initial kick off briefing Council has issued a detailed Request for Information (RFI), sought legal advice and met with the Applicant regarding the need for a Voluntary Planning Agreement to accompany the DA.*
- *The Applicant has verbally advised they are supportive of a VPA.*
- *Council expects that the VPA will be comprehensive and deal in detail with the current uncertainties surrounding the lane way including circulation, construction, timing and staging and the necessary Roads Act processes.*
- *Council provided an overview and status of internal and external referrals.*
- *Traffic circulation on the laneway i.e. two-way verses one-way is still to be resolved and the Council's RFI provides further opportunity for the Applicant to demonstrate how two-way circulation can be achieved.*
- *Council noted the need for re-notification once all documentation is received including full construction details so that existing businesses can understand likely impacts.*
- *One submission in objection was received from the initial notification, with a further 4 in support. Details have been provided to the Applicant. It is noted that the objection is detailed and raises valid planning issues that need to be addressed in the assessment.*
- *Council has limited resources in terms of in-house urban design expertise, noting reliance on the Kurri Kurri Masterplan. The need to encourage active street frontages, good urban design outcomes and, pedestrian linkages, and the relationship between the development and the heritage item are recognised and yet to be assessed in detail.*
- *The loss of two public art murals needs to be addressed and resolved.*
- *The Council is seeking details of how the privately owned Plaza will operate and be maintained noting that this will remain in private ownership and Council does not want this land dedicated.*

- *The Social Impact Assessment (SIA) does not meet the Council's policy provisions in relation to consultation prior to the DA being lodged. The SIA will need to be further developed, link with and review the CPETD report, and ensure adequate consultation.*

PANEL COMMENTS

The Panel notes wide community support for this type of development.

The Panel considers however that the DA has been lodged prematurely. The Panel expect that the VPA needs to be significantly advanced together with a package of amended DA documentation to address the matters raised in the Council's RFI. Ideally the VPA process should have been initiated and progressed prior to the lodgement of the DA. Likewise, the minimum requirements for the Social Impact Assessment should have occurred. On this basis, the Panel encourages the DA to be withdrawn and re-lodged as a complete package to enable renotification and assessment to occur in a timely manner.

The Panel considers that urban design outcomes are paramount for this site and that a redesign is considered necessary, particularly for the Barton Street elevation. The layout, design, pedestrian movements, and interfaces with the streetscape and Plaza are fundamental and need to be carefully worked through. The Panel note that an urban design consultant may be necessary to assist Council in this space.

The Panel will wait to hear from Council regarding the Applicant's position in relation to the status of the application and schedule further briefings accordingly, noting that the Panel expects the current DA to be progressed for determination by the end of 2023 and may move to determine the application with the information on hand at that time.

The matters raised in the HCCRPP briefing notes are addressed in **Table 2** below.

1.2.6 Meeting with Council's Contributions Team to discuss draft VPA Offer

Following receipt of this information the applicant sought a meeting with Council's Contributions team via email dated 9 June 2023 to seek a meeting to discuss a draft VPA offer. Council arranged a meeting for 19 June 2023. This meeting was cancelled by the Council Contribution team on 14 June 2023 on the following basis:

We note that we have arranged a meeting with you to discuss a potential VPA in relation to the redevelopment of the site.

I note that you have a meeting with Development Services on Thursday 22 June. I note that you have been provided with information that needs to be rectified prior to any discussions relating to a VPA. Once we have received this information we will be in a position to start discussions regarding the VPA. Therefore, I am going to postpone our meeting on Monday until the information has been received.

1.2.7 Meetings with Council Assessment Staff to Discuss Laneway Widening

At the same time as the applicant requested a meeting with Council's Contributions team to discuss a VPA offer, the applicant also received a request from Council's assessment staff to meet to discuss the matters raised and to resolve the design of the laneway extension and review the matters raised by Council and the HCCRPP .

On 22 June 2023, the applicant met with Council assessment staff to discuss the matters raised and the design of the laneway. Council facilitated several follow up discussions including meetings to resolve the laneway design.

In response to the preferred laneway extension design sought by Council, the applicant sent the land surveyors back to site to check whether there were any encroachments to achieving Council preferred design outcome. The applicant's surveyor identified several buildings and structures located on private properties which encroach onto the existing laneway (refer to the Updated Survey in **Appendix A**). These cannot be moved by the applicant or the owner of this site the subject of the Amended DA.

The applicant's development manager liaised with Council via telephone and supplied several draft concept civil engineering designs for the laneway.

A further meeting was held with Council on 27 July 2023 in which the applicant's traffic engineer detailed the design responses and advised the proposed widening to most of the laneway to 5.5m is compliant despite the minor encroachments.

The applicant's traffic engineer wrote a summary of the items discuss with Council during the meeting held on 27 July 2023. This information and the concept civil design were issued to Council by the applicant via email dated 27 July 2023 which included information from the applicant's traffic engineer:

Further to the meeting this morning, please see below email summary with justifications for the attached design as issued by Tim Rogers.

Please also note that the design changes will likely result in the upper car parking area being reduced by 1 car parking space (as submitted 32 being reduced to 31) and the lower level also being reduced by 1 car parking space (as submitted 122 being reduced to 121) to accommodate the geometry of the widened lane and the turn towards Barton Street.

Also attached is a copy of the updated survey issued by our survey with dimensions of the existing encroachments.

...

Existing Situation

The lane along the northern part of the site connects the old IGA car park with Victoria Street and provides rear access to the properties fronting Lang Street. It has the following characteristics:

- *Some 120 metres long travelling in an east-west direction.*
- *Access to Victoria Street is limited to left turns only.*
- *Has a variable carriageway width of between 4.7 and 5.5 metres, with the majority of the lane having a carriageway less than 5.0 metres.*
- *Currently carries traffic flows of some 10 vehicle per hour (two way).*

When the IGA was open, traffic flows in the lane would have been higher (estimated at some 35 to 40 vehicles per – two way).

Proposed Works

As part of the proposed development, the north-south section of the lane will be relocated to the western boundary, resulting in the east-west section of the lane extending to 170 metres. The lane will provide access to the upper level car park of the Woolworths development (submitted upper ground floor 32 parking spaces with the access located at the western end of the lane, some 150 metres west of Victoria) and continue to provide access to properties fronting Lang Street.

The majority of traffic accessing the upper level car park would do so via Barton Street using the western section of the lane (adjacent to the hotel). Due to the limited access at Victoria Street, the increase in traffic in the eastern part of the lane would low (estimated to be some 20 vehicles per hour, two way).

The attached plan shows the proposed works to the northern section of the lane (between the car park access and Victoria Street). West of the car park access, the lane will have a minimum carriageway of 5.5 metres, plus clearances, with additional width at the bend in the northwest corner of the site. In summary the plan shows:

- A minimum carriageway of 5.5 metres plus clearances along the northern boundary of the site (some 90 metres);
- A variable carriageway of 5.0 to 5.5 metres plus clearances for some 50 metres, along the boundary of KFC; and
- A minimum carriageway of 5.5 metres plus clearances for 10 metres east of Victoria Street.

The reduction in carriageway along the KFC frontage is do with the existing guard rail located in the lane. This is required due to the level difference between the lane and KFC.

Traffic Assessment

AS2890.1-2004 notes that a 5.5 metre carriageway provides for two way traffic flow with a lane of traffic in each direction. Clause 3.2.2 of AS2890.1- 2004 notes that:

As a guide, 30 or more movements in a peak hour (in and out combined), would usually require provision for two vehicles to pass on the driveway, i.e. a minimum width of 5.5 metres, on long driveways, passing opportunities should be provided at least every 30 metres.

AMCORD provides the following information with regard to access streets:

- carriageway width (0-300 vpd) – minimum width of 3.5 metres, (300 to 1,000 vpd) – minimum width of 5.0 metres which provides sufficient width for two cars to pass;
- if one traffic lane, passing bay required if longer than 80 metres;
- target design speed of 40 km/h; and
- no separate footpath, with pedestrians and cyclists sharing the road.

Based on the above, the proposed works in the lane are considered appropriate to cater for traffic generated by the proposed development as:

- the upgraded lane is an improvement over the existing situation when traffic flows were higher;
- the carriageway complies with AMCORD;
- is consistent with AS2890.1-2004 noting that:
 - the provision of a 5.5 metre carriageway for 30 or more movements (two-way) or passing opportunities every 30 metres is a guide;
 - predicted traffic flows are at margin where a 5.5 metre carriageway could be considered;
 - the length of carriageway that is less than 5.5 metres is only some 50 metres;
 - the minimum carriageway in this section is 5.0 metres, which in practice allows two cars to pass;
 - the section of carriageway less than 5.5 metres is straight with good sight lines to each end; and

- the section of carriageway less than 5.5 metres is not located in a critical section, where if car waited at one end it would result in safety or congestion issues.

On 2 August 2023, Council advised via email:

Council is satisfied with the existing laneway remaining two-way, notwithstanding the non-compliance with the width.

This is on the basis that the laneway currently operates in a two-way manner, and is a very low speed environment.

As such, based on the feedback received by Council on 2 August the applicant's design team and technical experts have been preparing an Amended DA.

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As such, based on the feedback received by Council on 2 August the applicant's design team and technical experts have been preparing an Amended DA.

1.2.8 1st List of Design Changes

The applicant's Amended DA includes amended architectural drawings in **Appendix B – Rev B**, with amended clouded in red. The following describes the changes:

LANEWAY CHANGES AND IMPROVEMENTS

- Laneway widened to 5.5m width to promote a 2-way movement in a low-speed environment (width is 5.5m for full length except in locations where there are existing encroachments as shown in **Appendix A** updated survey). The locations of the encroachments in the existing laneway include:
 1. rear of café buildings on Lot 24 DP 544418 and Lot A DP 373375.
 2. guard rail into roadway on Lots 8 and 9 Section 20 DP 758590.
 3. rear of building at northern end of laneway on Lot 5 Section 20 DP 758590.
- Extended laneway heading south with widened corner turn movement for suitable swept paths.
- Laneway design change with wider turn at Plaza junction.
- New pedestrian crossing design (levels and ramping grades all as per previous DA).

- Site Staging Plan with Stage 1 demolition works to existing Kingsway Plaza building with retention / make good of existing retail building T3 fronting Lang Street, Stage 2a construction of extended laneway and handover from landowner to Council while maintaining existing laneway, Stage 2b closure of existing laneway and handover from Council to landowner, Stage 3 construction of new retail building over lower-level car parking area.
- Area of proposed closed section of laneway reduced from as originally submitted 459m² to 454m², area of extended laneway increased from as originally submitted 578m² to 647m².
- Council advised via email dated 2 August 2023 following several meetings with the applicant's traffic engineer:

"Council is satisfied with the existing laneway remaining two-way, notwithstanding the non-compliance with the width.

This is on the basis that the laneway currently operates in a two-way manner, and is a very low speed environment."

DESIGN CHANGES TO BUILDINGS

- Adjustments to lower-level carpark design to suit amended laneway boundary set out.
- Adjustments to the car parking layout including:
 - Lower ground level reduced from originally submitted 147 spaces (inclusive of 113 spaces, 3 disabled parking spaces, 6 direct to boot bays, 25 on-street parking spaces and 7 trolley bays to 146 (inclusive of 114 spaces, 2 disabled parking spaces, 6 direct to boot bays, 26 on-street parking spaces and 7 trolley bays) in the amended architectural drawings.
 - At-grade upper level maintained at from originally submitted 33 spaces (inclusive of 32 spaces plus 1 disabled space) to 31 spaces (inclusive of 29 spaces plus 2 disabled spaces) in amended drawings.
- As a result, in widening of the laneway, so too the trading floor of the proposed supermarket was reduced along the western boundary by 300mm. The Gross Floor Area (GFA) of the supermarket reduced from original submitted 3,399m² to 3,375m². The mezzanine level remains unchanged at 406m². The T1 specialty shop on the upper level remains unchanged at 350m² however its dimensioned width has been adjusted to accommodate the widened laneway. The lower-level T2 specialty shop remains unchanged at 100m². The Lang Street modified pharmacy building specialty T3 remains unchanged at 200m² with inclusion of a widened awning along its Lang Street and plaza frontages.
- The overall GFA has been reduced from the original DA submission of 4,621m² to 4,607m² in this Amended DA
- The northern setback for the speciality retail T1 to the front of the supermarket has an increased setback from the laneway from 1m to 1.3m with the inclusion of shop front glazing integrated to better address the laneway.

- Egress stair from lower-level car parking level to plaza location adjusted.

PUBLIC DOMAIN WORKS - LANG STREET PLAZA

- Plaza area now defined on 4 sides with the planter boxes at the corner pushed back to define the southern edge of the plaza.
- Councils preferred paving (bluestone) integrated into the scheme, with the new planter box assisting to define the edge of the new and old paving until the rest of the area is reconstructed.
- The pavement through the corner needed to be made consistent with the roadway given the anticipated traffic demands, however to assist slowing traffic and defining the pedestrian spaces, bollards edge the roadway and a wider wombat style crossing integrated along the main pedestrian desire line.
- Large deep soil tree planting integrated into the plaza.
- The edge of the brick planter supporting the tree forms a long seating edge.
- Street furniture integrated into the plaza (lighting and waste receptacles).

BARTON STREET

- The proposed public domain plan from council has been integrated into the street with a line of street trees interspersed along the 90-degree parking to provide street tree canopy, as illustrated by Figure 17 – Kurri Kurri Centre Masterplan included in “Kurri Kurri District Strategy – Planning for our people our place our future”.
- Wider paved areas are shown at the main entry to the retail carpark and lift, along with the speciality retail.
- The pergola structure has been extended over the basement carpark ramp areas to assist in defining the edge of the plaza space and screen downward views to the carpark from the Kurri Kurri hotel.

BUILDING FAÇADE

Several key changes have been made to the building design:

- Main roof pitch has been reorientated to lower the façade height along Barton Street by 1-2m. This reduced the bulk as presenting to the street and to the new laneway to the north.
- Oxide panels have been extended around and above the brick datum to break up the length of the Barton elevation.
- The roof planes of the mezzanine area have been expressed in the external façade to break up the silhouette of the main façade.
- The roof line to the lift has been pitched to break up the silhouette of the building.

- Planter boxes have been extended along the length of the upper level at-grade carpark edge to Barton Street to create a longer green presentation to the street.

1.2.9 Responses to Council's RFI No. 1 for DA No. 8/2023/64/1

The following table summarises the matters raised by Council and the applicant's responses:

Table 1: Applicant's responses to Council's RFI letter dated 17 May 2023

COUNCIL'S RFI	RESPONSES
<p>Voluntary Planning Agreement (VPA)</p> <ul style="list-style-type: none"> • The applicant to confirm with the owner of the subject site that they are willing to enter into a VPA with Council in respect of the road/laneway matter. If the owner is agreeable to entering into a VPA, Council recommends that an environmental planning firm is retained who has experience in VPAs. Council confirmed at our meeting that the applicant would be liable for all costs (both your own and Councils), associated with the preparation of the VPA. 	<p>Please refer to Appendix V for a copy of the owners VPA letter of offer.</p>
<ul style="list-style-type: none"> • Council's expectation is for the VPA to include the following: <ul style="list-style-type: none"> - Phasing of the development; - Timing and process associated with opening/closure of the new/existing laneway/road under the Roads Act 1993; - Construction requirements for the laneway/road; - Traffic circulation with the laneway/road, i.e., two-way; - Construction and traffic management plan. <p>Once you have confirmed that your client is agreeable with entering into a VPA with Council, please lodge a draft VPA with Council at your earliest convenience.</p>	<p>The Amended Architectural Drawings included in Appendix B includes staging details in "Site Staging Plan" Drawing No. DA06 Rev B dated 21 August 2023. This drawing forms part of the VPA letter of offer. The timing aspects will be detailed in the VPA which will be negotiated with Council's Contributions team.</p> <p>The applicant's traffic engineer has prepared a letter with Responses to Traffic Matters included in Appendix E. This information advises in part:</p> <p><u>Construction and Traffic Management Plan</u></p> <ol style="list-style-type: none"> 1. At this stage a builder has not been appointed for the construction of the development and hence the construction methodology, process and staging have not been defined. The builder will be responsible for the preparation of a comprehensive construction traffic management plan, which will be lodged with the Council and other relevant authorities for approval prior to the commencement of demolition/construction. 2. Set out below is a suggested construction phasing to minimise impacts on properties that have access from the laneway and the operation of the laneway. The proposed development could be constructed in the following stages: <ul style="list-style-type: none"> • Stage 1 – demolition of the existing IGA building and removal of existing car park;

COUNCIL'S RFI	RESPONSES
	<ul style="list-style-type: none"> • <i>Stage 2a – construction of the new lane on the western and eastern sides of the site and widening of the eastern section of the lane (between the site and Victoria Street);</i> • <i>Stage 2b - closure of the existing north south section of the laneway; and</i> • <i>Stage 3 – construction of the new Woolworths and specialty shops.</i> <p>3. <i>The construction staging plan is shown in Drawing DA06 Revision B.</i></p> <p>4. <i>With the site falling from north to south, construction of the new Woolworths and specialty shops would be undertaken from Barton Street. This would limit construction impacts in the laneway to the proposed upgrade of the laneway. This would be undertaken in stages to allow at a minimum managed access to properties that require access via the laneway. This managed access would be either:</i></p> <ul style="list-style-type: none"> • <i>reducing traffic flow to one lane with appropriate traffic management; or</i> • <i>providing access from either Barton Street or Victoria Street with appropriate traffic management.</i> <p>5. <i>Any necessary changes to traffic flow in the laneway would be kept to minimum with notification and consultation with affected properties prior to works being undertaken.</i></p> <p>6. <i>A preliminary construction traffic management plan is provided in Attachment A.</i></p> <p><i>The VPA letter of offer has been prepared by Voitrant and has been issued to Council's Contributions team under separate cover.</i></p>
<p>Phasing of development</p> <p><i>Council's suggested phasing of the development is as follows:</i></p> <ul style="list-style-type: none"> - <i>Phase 1) Demolition.</i> - <i>Phase 2) In the following two sequences:</i> <ul style="list-style-type: none"> a) <i>open new 'yellow' road (as shown on plan DA03) and upgrade entire road to a standard level of construction in accordance with Council's Engineering Requirements for Development, and</i> b) <i>close existing 'pink' road (as shown on plan DA03).</i> 	<p>Please refer to the Amended Architectural Drawings included in Appendix B – Rev B includes staging details in "Site Staging Plan" Drawing No. DA06 Rev B dated 21 August 2023. Please see above information on staging.</p>

COUNCIL'S RFI	RESPONSES
<p>- Phase 3) Build approved development and final rectification of any defects that may arise in the laneway during construction works.</p> <p><i>Further information will be required with respect to the phasing of the proposed development and the works in the laneway. The laneway is to be constructed and operational before building construction commences (it is noted that some early building construction works will be required to provide support to the laneway).</i></p> <p><i>All plans and supporting documentation are required to be amended to reflect the phasing of the development, as outlined above.</i></p>	
<p>Construction and traffic management plan</p> <p><i>A detailed construction and traffic management plan will be required addressing the phasing of the development and the management of the impact of construction activities on the laneway during the building construction.</i></p> <p><i>Any works in the rear laneway shall include an assessment of the impact upon existing lane users and ensure that businesses fronting Lang Street with rear lane access are not unduly affected by the works required as a result of the proposed development.</i></p> <p><i>In addition, the construction and traffic management plan shall include details of any laneway closures required, including location and duration of works. In the event the functionality of the laneway will be impacted (even on a temporary basis), please include details in respect of waste collection, car parking, deliveries and general access considerations for impacted residents.</i></p>	<p>Please refer to the information included in the additional traffic information prepared by Colston Budd Rogers and Kafes included in Appendix E.</p> <p>A detailed construction and traffic management plan will be issued to Council once a builder has been appointed for the project. However as previously advised, a principal contractor (builder) cannot be appointed until a Development Consent has been issued, then tender documentation prepared, and a tender completed.</p>
<p>Laneway Circulation/Traffic</p> <p><i>As indicated in our recent meeting, Council's preference is for a one-way circulation in the laneway (westbound from Victoria Street towards Barton</i></p>	<p>Please previous information detailed in Section 1.2.7 "Meetings with Council Assessment Staff to Discuss Laneway Widening" of this Addendum SEE.</p>

COUNCIL'S RFI	RESPONSES
<p><i>Street). However, should you wish to pursue a two-way circulation within the laneway, you will need to demonstrate that there is sufficient width available to safely cater for this two-way flow. The minimum acceptable pavement width for two-way flow is 5.5m between kerb faces / obstructions.</i></p> <p><i>Council has concerns with the pedestrian/vehicle interaction across the laneway specifically from the Plaza to the entrance of Woolworths. Council needs to ensure that the pedestrian crossing point (between Lang Street/ plaza and the new building) will be safe, and part of this consideration is ensuring that vehicles have adequate sight lines/distance at the point where pedestrians will cross.</i></p> <p><i>Revised plans are required demonstrating an appropriately defined treatment to give priority to pedestrian traffic at the Lang Street Plaza / Laneway / upper level car park interface.</i></p> <p><i>The plans shall include the treatment of the proposed crossing by providing the use of an at grade contrasting pavement material to aid in the definition of the crossing. The plans shall include an assessment of the approach grades and site distance to the crossing point given the proposed laneway gradient from Barton Street. The plans shall include details of bollards (or similar treatment) to allow passage of pedestrian traffic but deny vehicular access to the Plaza.</i></p> <p><i>Revised / additional plans shall be provided demonstrating compliance with the above requirement as well as signage and line marking plans to confirm and control vehicle movements within the laneway and car park interface.</i></p> <p><i>Copies of the SIDRA modelling referred to in the TIA are to be provided for assessment.</i></p>	<p>Please refer to the information included in the additional traffic information prepared by Colston Budd Rogers and Kafes included in Appendix E.</p>
<p>Barton Street</p> <p><i>Please provide a sight distance assessment at each of the proposed new access locations onto Barton Street.</i></p>	<p>The Amended Architectural Drawings in Appendix B includes DA10 Rev B Lower Ground Floor with the inclusion of splays and sight triangles at each vehicle exit.</p>

COUNCIL'S RFI	RESPONSES
<p><i>Appropriate splays and sight triangles are to be shown on the plans.</i></p>	
<p>Plaza</p> <p><i>The plaza will be a critical interface between the proposed development, the adjoining heritage item, and Lang street. It is essential that this area presents a unified approach to the existing Main (Lang) Street as per the Kurri Kurri Masterplan. Council needs to understand how this area will be presented and operate.</i></p> <p><i>Plans showing landscaping, street furniture, lighting, treatment of the public domain in terms of pavement design, etc., are required.</i></p> <p><i>Management Plan to be submitted outlining how the area will be managed including use of CCTV, waste collection (frequency, location), cleaning frequency, maintenance etc.</i></p>	<p>The plaza has been redesigned as detailed in the Amended Architectural drawings included in Appendix B, with the assistance of the Urban Design Peer reviewer Matthew Pullinger (refer to the Urban Design peer review in Appendix U). Details are also included in the amended public domain landscape drawings.</p>
<p>Public Art</p> <p><i>The subject site currently contains two valued public art murals on the building to be demolished. The SEE states that 'the proposal includes three options for the location of just one installation' with the preferred location being the unnamed laneway labelled the 'Public Art wall to laneway'.</i></p> <p><i>Council requests that you contact Mr Toby Thomas (0414 371562), President of Town With Hearts to discuss satisfactory replacements for the two existing public art murals. Once this consultation occurs, please submit an elevation showing the agreed location, dimensions and content for the public art murals.</i></p>	<p>The owner developer seeks to replace the existing murals.</p> <p>As advised during the public consultation drop-in session held on 13 July 2023 located on-site, yes, the murals will be replaced. The team has been working with Towns with Heart to identify appropriate locations for new murals. The developer will consult with Towns with Heart on the design for the new murals.</p> <p>The east elevation was the preferred location discussed with the representative from Towns with Heart who attended the drop-in session held on 13 July 2023, as detailed in the Consultation Report included in Appendix T.</p> <p>The Amended Architectural Drawings East Elevation DA20 Rev B includes a location for a public art mural replacement. A further location for a replacement mural can be discussed with Council and Towns with Hearts.</p>
<p>Adjoining Heritage building</p> <p><i>Careful consideration will be required to the treatment of the public domain in terms of pavement design, pedestrian connectivity, street furniture, lighting, plantings, etc to provide a unified</i></p>	<p>The original design has been adjusted to respond to the matters raised by Council and the Amended Architectural drawings included in Appendix B, have been prepared with the assistance of the Urban Design Peer reviewer Matthew Pullinger (refer to the Urban Design peer review in Appendix U).</p>

COUNCIL'S RFI	RESPONSES
<p><i>approach and ensure that the space immediately adjoining the heritage item.</i></p> <p><i>The site plan shows public domain works in Lang Street and wrapping around to Hampden Street, immediately adjacent to the heritage item. Please confirm if these works are proposed as part of this application.</i></p> <p><i>Drawing DA23 indicates that a 1800mm high boundary fence will be installed along the shared boundary to the Kurri Kurri Hotel, however this is shown in sectional view only and does not appear in elevation or site plans. Please submit amended elevation plan with clear details of the boundary fencing included the length, overall height, style and materiality.</i></p> <p><i>As the fencing will appear in the visual backdrop to the adjoining heritage item, it is important that the fencing is sympathetic to the character of the hotel. It is recommended that timber paling or steel palisade fence is considered, and should be considered in conjunction with the owner of the heritage item.</i></p>	<p>Details are also included in the amended landscape drawings, which also detail the extent of works along the Lang Street and Barton Street frontages.</p> <p>The proposed amended public domain items have been addressed and assessed in the Updated Heritage Impact Statement included in Appendix L.</p> <p>Council supplied the design specifications being implemented already in Lang Street, and these have been included (annotated) in the amended architectural and landscape design drawings in Appendices B and C.</p> <p>The owner of the land has met with and spoken with the owner of the Kurri Kurri Hotel. The treatment of the boundary fence to the south with the Kurri Kurri Hotel includes a staggered low concrete retaining wall with a 1800mm high timber fence to accommodate the gradient of the boundary as shown in more detail in the following 3D image. Please note the new fencing will be wholly located on the subject site and not on the common boundary:</p>  <p>The proposed fencing has been addressed and assessed in the Updated Heritage Impact Statement included in Appendix L. This report states in relation to the excavation and fencing adjacent to the southern boundary with the Kurri Kurri Hotel:</p> <p>6.3 Effect of work on adjacent Heritage Item</p> <p>'Kurri Kurri Hotel', No. 180 Lang Street, Kurri Kurri</p> <p><i>This item is located adjacent to the west of the site.</i></p> <p><i>The proposed works will have a minimal and acceptable impact on this item for the following reasons:</i></p> <ul style="list-style-type: none"> <i>• The existing retail shopping centre was constructed well after the item and does not contribute to its setting or significance. Its removal, excluding the existing retail building to Lang Street, will have no impact on the item.</i> <i>• There will be no impact on significant view corridors towards the item, which are obtained from directly outside on Lang, Barton and</i>

Hampden Streets. The item will continue to remain visually prominent within these view corridors; views on approach from Lang and Hampden Streets may be improved as a result of the proposed setback between the item and built form, which does not currently exist.

- The proposed works will be highly visible from the item and will form part of its immediate setting. This will have an acceptable impact for the following reasons:*

- The retained Building 1, on the north side of the site and oriented to Lang Street, will be refurbished with new shopfronts and a new awning to allow for specialty retail. This will maintain the form and rhythm of the streetscape in the setting of the heritage item.*

- The proposed Building 2, comprising a retail shopping centre, will be located on the east side of the site, oriented to Barton Street and two-storeys, which is consistent with the existing development on the site and will ensure it is visually subordinate to the three-storey form of the item.*

- Building 2 will have well-articulated elevations of a coordinated and contemporary aesthetic that is recessive to the more detailed and decorative architectural style of the heritage item and will sit comfortably within the wider setting of the item. The separation of the built forms and careful modulation of the facade successfully reduces the bulk and scale of the proposal.*

- The building will use high-quality materials including brick and textured wall cladding in a neutral colour scheme which will sit comfortably in the streetscape and ensure that the item remains visually prominent.*

- Building 2 will be separated from the item by a generous setback of at least 7.8m², noting there is currently no setback. The closest element to the item will be an above-ground surface car park with landscaping on the perimeter. The main built structure of the development will be set well into the site away from the item.*

- New landscaping includes brick paving, trees and planter boxes within an arbour structure which will soften the interface between the proposed development and the heritage item. This will also enhance the overall setting of the item.*

- New car parking will be internal and located within the footprint of the retail shopping centre and will have no visibility from the item. Vehicular access will be via Barton Street and sufficiently separated from the item for there to be no physical impact on the footings of the building.*

- The proposed works will, overall, remove an existing building of little aesthetic value and replace it with a new development that is well-designed, appropriate to its built context, and will sit comfortably in the setting of the heritage item. There will be no impact on the ability of the public to understand and appreciate the heritage values of the item.*

And with reference to the fence – see table of responses under heading “6.2 Response to Council request for Further Information”:

COUNCIL'S RFI	RESPONSES
	<p><i>The proposed boundary fence is a timber paling fence on a low concrete retaining wall. As shown by DA23, the fence will be 1,800mm in height.</i></p> <p>and</p> <p><i>The amended proposal now includes a timber paling fence on a concrete block retaining wall. This has been considered following consultation with the owner of the heritage item who is supportive of it.</i></p> <p>As such, the proposed fencing and materials have been assessed as not having an adverse impact on the heritage significance of the Kurri Kurri Hotel.</p>
<p>Demolition/Earthworks</p> <p><i>The proposed development includes demolition/earthworks adjoining a heritage item and significant earthworks along the laneway servicing properties with rear lane access to Lang Street.</i></p> <p><i>Please provide documentation demonstrating the demolition methodology and protection of adjoining heritage item during the demolition and construction works.</i></p> <p><i>Please advise of intention of dilapidation reports both before and after construction.</i></p>	<p>The owners of the site have consulted directly with the owners of the Kurri Kurri Hotel.</p> <p>The process when a Development Consent has been achieved will involve preparing tender documentation to be able to appoint a principal contractor (builder), who will then start a process to prepare detailed construction certificate drawing including a methodology associated with demolition and excavation works. As such, the applicant is willing to accept a reasonable condition requiring the submission of a Detailed Construction Management Plan once a builder has been appointed.</p> <p>The applicant is also prepared to accept the imposition of a reasonable condition to require detailed reporting on the existing conditions pre and post development in dilapidation surveys of adjoining properties.</p>
<p>Social Impact Assessment/Community Consultation Strategy</p> <p><i>It was noted by the RPP that the applicant did not undertake consultation prior to lodgement of the development application and therefore the Social Impact Assessment does not meet Council Guidelines.</i></p> <p><i>Targeted consultation with all affected property owners is required as part of Council's Community Consultation Strategy. The RPP also identified that adequate community consultation for this application is required, especially to those who are affected by the road closure/opening during construction.</i></p> <p><i>The proposed development will be renotified. Prior to the renotification, Council requests that the applicant undertakes community consultation as</i></p>	<p>A Consultation Report which is included in Appendix T and has been prepared to address Council's guidelines. The Consultation Report advises in heading "4. Outcomes report summary":</p> <p><i>This outcomes report is a summary of the activities completed and feedback received through the consultation program to support the post-lodgement response to the request for information and to build on consultation completed prior to lodging the development application for the Kingsway Plaza Redevelopment.</i></p> <p><i>Council requested as a part of the RFI in May 2021, consultation should be undertaken given the "the applicant did not undertake consultation prior to lodgement of the development application". Subsequently, Mara was commissioned to conduct consultation to meet this request, which occurred between July 2023 and August 2023. The proponent also conducted consultation to support the application, particularly with key stakeholders (tenants, adjacent property owners).</i></p> <p><i>In the RFI, Council requested that targeted consultation with all affected property owners as well as adequate community consultation. This report seeks to provide a formal response to the RFI highlighting issues that have been raised in the submissions, including how the matters raised have been addressed in the amended proposal.</i></p>

COUNCIL'S RFI	RESPONSES
<p><i>required by the draft Community Consultation Plan.</i></p>	<p><i>The intention of the engagement was to address community concerns about the proposal and specifically the amount of feedback received during the consultation. The process was not to seek consensus on the proposal, but rather provide sufficient opportunity for the community to participate in the project. A range of communication methods were used to promote participation and three rounds of consultation were conducted.</i></p> <p><i>Stakeholders were included in the consultation based on their geographic proximity to the project as well as potential impacts identified as part of the development application (including potential noise, traffic and transport, visual impacts of the proposed development). Stakeholders consulted included approximately 350 businesses and residents, businesses who live within 300 m of the proposed development.</i></p> <p><i>As of 25 August 2023, more than 560 people had visited the project website seeking information about the project. Additionally, 44 people attended the drop-in session at Kingsway Plaza. Promotion of the engagement events were via phone calls, a letterbox drop, door knocking, emails providing a project overview and information about how to participate.</i></p> <p><i>Additionally, feedback received from participants indicated that overall, 71% of participants were very satisfied with the consultation process, while the remainder were somewhat satisfied. Over 95 per cent of participants indicated they had their questions answered, indicating that there were very high levels of satisfaction with the engagement.</i></p> <p><i>It is understood there will be a further exhibition period proposal giving the community another opportunity to formally make a submission or provide feedback. Council is responsible for notifying surrounding neighbours and will advertise the exhibition period. Community members will have the ability to make a formal submission on the proposal to Council and will be considered as part of the determination by the Panel.</i></p> <p><i>The project team will continue to provide information to the community and stakeholders about ongoing activities including project updates at key stages.</i></p> <p><i>This outcomes report concludes that while a small number of potential impacts have been raised by the community, with mitigation and management, ongoing residual impacts are manageable. Feedback gathered through the consultation was overwhelmingly in support of the redevelopment of the Kingsway Plaza.</i></p> <p>Overall, the consultation indicates support for the proposal.</p>

1.2.10 Responses to Hunter and Central Coast Regional Planning Panel Briefing Notes

The following table summarises the matters raised by the Hunter and Central Coast Regional Planning Panel (HCCRPP) and the applicant's responses:

Table 2: Applicant's responses to HCCRPP matters.

MATTERS RAISED BY HCCRPP	RESPONSES
<p>4 April 2023 briefing notes</p>	
<ul style="list-style-type: none"> <i>A key aspect of this application will be the closure of the lane. The development cannot be approved over a public road and the closure and relocation of the road is usually a separate process. It can occur in parallel.</i> 	<p>The applicant requests Council progress this Amended DA in parallel with a VPA (please note the owners' lawyers have prepared a draft VPA Deed and will commence negotiations with Council's Contributions Team shortly), and this Amended DA is accompanied by a VPA Letter of Offer at Appendix V.</p>
<ul style="list-style-type: none"> <i>Any change in the functioning of the lane that alters existing access arrangements to the properties off this lane will require detailed consultation with all affected property owners.</i> 	<p>The changes to the laneway were the subject of extensive consultation as detailed in the Consultation Report included in Appendix T. A list of the Consultation Tools is summarised in Table 3 of the Consultation Report. In particular, Mara Consulting "door knocked" on 6 July 2023 all adjoining properties with frontages to the unnamed laneway, inviting persons to attend the drop-in session.</p> <p>On 13 July 2023 a drop-in session was held on-site:</p> <p><i>Forty-four people attended the drop-in session at Kingsway Plaza. Architectural drawings, renders and floorplans were available. Attendees asked questions and talked with the project team. Feedback forms were available.</i></p>
<ul style="list-style-type: none"> <i>The Panel suggest an early meeting with Council to resolve the required consultation for the road closure. Council's Planning Team must be involved in this process.</i> 	<p>The applicant met with Council's assessment staff and engineers to discuss the requirements for the laneway.</p> <p>This resulted in agreement that the laneway would be widened to 5.5m and the existing pinch points could remain.</p> <p>Please previous information detailed in Section 1.2.7 "Meetings with Council Assessment Staff to Discuss Laneway Widening" of this Addendum SEE.</p> <p>Please refer to the information included in the additional traffic information prepared by Colston Budd Rogers and Kafes included in Appendix E.</p>
<ul style="list-style-type: none"> <i>The Panel will seek to understand the adopted Town Centre Masterplan and any differences being proposed and will be discussing this further with Council.</i> 	<p>Council has prepared the "Kurri Kurri District Strategy – Planning for our people our place our future" (herein referred to as District Strategy) dated 2016 and was exhibited between June and August 2017, and advises in part in the Executive Summary:</p> <p>"...</p> <p><i>The Draft Kurri Kurri District Strategy was developed by Cessnock City Council in collaboration with the local community and stakeholder groups. The Strategy was exhibited between June and August of 2017. The Strategy incorporates the community's aspirations for the future of the district and outlines a collective vision, directions and actions for land use planning and development in the District to 2036.</i></p>

MATTERS RAISED BY HCCRPP	RESPONSES
	<p><i>The Strategy is supported by commercial centre masterplans for Kurri Kurri and Weston. The masterplans set out more detailed considerations for the commercial centres and an indicative program to guide public domain improvements in the years ahead."</i></p> <p>Under heading 3.2 Directions, the District Strategy advises:</p> <p><i>To support the overarching Vision for the District, five Directions have been identified for each of the following elements:</i></p> <p>Urban Form <i>Future urban form is compact, welcoming and reinforces local heritage and character</i></p> <ul style="list-style-type: none"> • Create a compact settlement • Preserve the 'country town' character • Enhance the urban area <p>Transport and Movement Network <i>The District will capitalise from an efficient transport and movement network and proximity to major Regional roads</i></p> <ul style="list-style-type: none"> • Leverage the District on its proximity to major regional roads • Improve traffic flow through the District • Improve accessibility for pedestrians and cyclists <p>Employment Land <i>Employment precincts are attractive and offer unique experiences</i></p> <ul style="list-style-type: none"> • Minimise 'out of centre' commercial development • Revitalise the District's commercial centres • Grow the District's tourism and health and wellbeing sectors • Differentiate the District's centres from nearby centres • Grow the Kurri Kurri Industrial Precinct <p>Urban Housing <i>The District offers a range of housing choice</i></p> <ul style="list-style-type: none"> • Encourage housing diversity, density and affordability <p>Open Space and Recreation <i>The District will capitalise from its open space and recreation facilities</i></p> <ul style="list-style-type: none"> • Leverage the District on its open space and recreation facilities <p>With respect to "Urban Form", at page 26 the District Strategy states:</p> <p><i>"Revitalisation of the Kurri Kurri and Weston commercial centres will be largely governed by the commercial centre masterplans. The masterplans identify specific opportunities to revitalise the commercial centres by improving traffic flow, vehicle parking, accessibility,</i></p>

MATTERS RAISED BY HCCRP	RESPONSES
	<p><i>utilisation of public open space and coordinating infrastructure and landscaping treatment. Revitalising the urban area will enhance peoples' perception and experiences within the District and is intended to transform the centres into destinations, rather than convenience centres. It is anticipated that the public domain improvements, proposed in the masterplans, will attract new businesses and redevelopment in the commercial centres."</i></p> <p>The proposal offers to create site a large revitalisation within the existing town centre (rather than an out of centre location) with the materiality of the design adjusted in the Amended DA having taken its "ques" from the existing town streetscapes by inclusion of brick finish at the lower level to Barton Street, while providing a pedestrian transition from Lang Street to Barton Street through the site via a lift or travelator, and new public walkway along the extended laneway from one public domain setting to another through the site.</p> <p>These are improvements for pedestrians as well as bicycle users. Bike rails can be added to the public frontages to Lang Street and Barton Street in locations as designated by Council.</p> <p>The proposed building has been reduced in height along the majority of the parapet edge to Barton Street by redesigning the roof pitch behind as suggested by the Urban Design Peer Reviewer Mr Matthew Pullinger so as the scale of the building reads generally as two storeys consistent with the existing scale of development in the existing commercial streetscapes.</p> <p>In particular, the proposal will enhance the existing urban setting of Kurri Kurri while at the same time reinforcing local heritage and character as sought by the Urban Form element, improve pedestrian accessibility as sought by the Transport and Movement Network element, and revitalise the existing commercial centre as sought by the Employment Land element and create a new publicly access space at the Lang Street frontage which will also improve the vista along Lang Street towards the Kurri Kurri Hotel heritage item.</p> <p>This is consistent with the actions listed in the District Strategy under each element.</p> <p>At Section 4 of the District Strategy is the Kurri Kurri Commercial Centre Masterplan, which can be found in Figure 17 – Kurri Kurri Commercial Centre Masterplan, please see an extract below.</p>



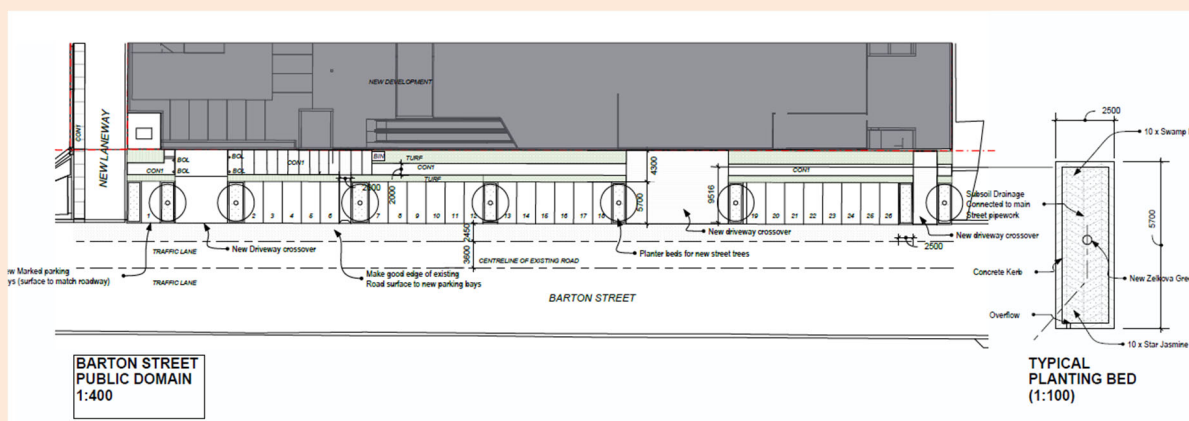
The Masterplan includes a “key” with a list of items and specifically at the frontages of the site:

6. Streetscape improvement to Barton Street, including street tree planting.
8. Proposed pedestrian connection between Lang Street and Barton Street.

Rather than a L-shaped pedestrian extension through the site which you cannot see the exit point from Lang Street into the laneway and vice versa, the proposal extends the laneway through the site, creating two options for pedestrians who traverse between Barton and Lang Streets either via the lift and travellators through the proposed built form or the new laneway along the southern boundary which has a dedicated pedestrian pathway.

The proposal will deliver both as detailed in the Amended DA drawings and are consistent with the streetscapes / public domains envisaged.

Extract of DA07 Public Domain: Lang Street below.



- This DA seeks hours of trade for the proposed Woolworths supermarket store:

MATTERS RAISED BY HCCRPP	RESPONSES
<i>unloading, presentation and fit within the street.</i>	<p>Mondays to Sundays: 6am to 12am (midnight)</p> <p>And specialty shops (general):</p> <p>Mondays to Sundays: 9am to 6pm</p> <p>This DA seeks approval for the hours of operation for the loading dock:</p> <p>Mondays to Sundays: 5am to 12am</p>
<ul style="list-style-type: none"> <i>The proposed separation to heritage item is seen as a positive.</i> 	Noted
<p><i>The Panel will seek a further update with Council, specifically in relation to its responsibilities under the Roads Act and how these relate to the current DA and how processes for closure and opening of roads can occur as part of the DA process. If the DA proposes changes to the access arrangement and existing masterplans there needs to be clear and adequate community consultation of these matters.</i></p>	The processes under the Roads Act can be assigned and managed via the VPA Deed.
<p><i>The Panel noted that the Social Impact Assessment submitted with the DA doesn't include consultation and therefore doesn't meet Council's guidelines.</i></p>	The existing SIA has now been supplemented with the Consultation Report included in Appendix T .
<p>6 June 2023 Briefing Notes</p>	
<ul style="list-style-type: none"> <i>Post the initial kick off briefing Council has issued a detailed Request for Information (RFI), sought legal advice and met with the Applicant regarding the need for a Voluntary Planning Agreement to accompany the DA.</i> 	Please see the owners VPA letter of offer at Appendix V .
<ul style="list-style-type: none"> <i>The Applicant has verbally advised they are supportive of a VPA.</i> 	Correct
<ul style="list-style-type: none"> <i>Council expects that the VPA will be comprehensive and deal in detail with the current uncertainties surrounding the lane way including circulation, construction, timing and staging and the necessary Roads Act processes.</i> 	Please see the owners VPA letter of offer at Appendix V .
<ul style="list-style-type: none"> <i>Council provided an overview and status of internal and external referrals.</i> 	Noted
<ul style="list-style-type: none"> <i>Traffic circulation on the laneway i.e. two-way verses one-way is still to be resolved and the Council's RFI provides further opportunity for the Applicant to demonstrate how two-way circulation can be achieved.</i> 	The laneway will remain two-way – please see Council feedback under Section 1.2.7 above.
<ul style="list-style-type: none"> <i>Council noted the need for re-notification once all documentation is received including full</i> 	Noted.

MATTERS RAISED BY HCCRP	RESPONSES
<p><i>construction details so that existing businesses can understand likely impacts.</i></p>	
<ul style="list-style-type: none"> • <i>One submission in objection was received from the initial notification, with a further 4 in support. Details have been provided to the Applicant. It is noted that the objection is detailed and raises valid planning issues that need to be addressed in the assessment.</i> 	<p>Noted. The Amended Architectural drawings in Appendix B, have responded to the matters raised.</p>
<ul style="list-style-type: none"> • <i>Council has limited resources in terms of in-house urban design expertise, noting reliance on the Kurri Kurri Masterplan. The need to encourage active street frontages, good urban design outcomes and, pedestrian linkages, and the relationship between the development and the heritage item are recognised and yet to be assessed in detail.</i> 	<p>The applicant engaged the services of Mr Matthew Pullinger as an Urban Design Peer Reviewer to workshop design changes with the applicant and assist with the design responses. Please see his letter advice in Appendix U.</p>
<ul style="list-style-type: none"> • <i>The loss of two public art murals needs to be addressed and resolved.</i> 	<p>The applicant has made a commitment to replace existing murals and has discussed the locations with Towns with Heart and will continue to work with Council and Towns with Heart with respect to the final preferred locations and the contents of each future mural.</p>
<ul style="list-style-type: none"> • <i>The Council is seeking details of how the privately owned Plaza will operate and be maintained noting that this will remain in private ownership and Council does not want this land dedicated.</i> 	<p>The applicant has prepared Amended Drawing DA07 Public Domain Part 1 Lang Street which includes materials as per the specifications obtained from Council for a seamless transition between the existing footpath improvement already commenced by Council along Lang Street south of the site.</p>
<ul style="list-style-type: none"> • <i>The Social Impact Assessment (SIA) does not meet the Council's policy provisions in relation to consultation prior to the DA being lodged. The SIA will need to be further developed, link with and review the CPTED report, and ensure adequate consultation.</i> 	<p>Mara Consulting was engaged and prepared a Consultation Report (Appendix T) and the feedback from the consultation process has informed the Amended Architectural drawings. The outcomes from the Mara Consulting Consultation Report have been included in the Updated CPTED Report (Appendix M) – see pages 24 and 25.</p> <p>The applicant is prepared to accept reasonable conditions to implement the recommendations of the Updated CPTED Report as part of the detailed design stage post DA approval.</p>
<p>PANEL COMMENTS</p> <p><i>The Panel notes wide community support for this type of development.</i></p>	<p>Yes, this has been confirmed in the Consultation Report in Appendix T.</p>
<p><i>The Panel considers however that the DA has been lodged prematurely. The Panel expect that the VPA needs to be significantly advanced together with a package of amended DA documentation to address the matters raised in the Council's RFI. Ideally the</i></p>	<p>The applicant respectfully requests the Amended DA and the VPA letter of offer (see Appendix V) enable the process to continue to move forward with DA No. 8/2023/64/1.</p>

MATTERS RAISED BY HCCRP	RESPONSES
<p><i>VPA process should have been initiated and progressed prior to the lodgement of the DA. Likewise, the minimum requirements for the Social Impact Assessment should have occurred. On this basis, the Panel encourages the DA to be withdrawn and re-lodged as a complete package to enable renotification and assessment to occur in a timely manner.</i></p>	<p>A draft VPA Deed has been forwarded to Council on 6 September 2023 under separate cover to the Contributions Team.</p> <p>The applicant requests Council facilitate the exhibition of the draft VPA Deed concurrently with the Amended DA package.</p>
<p><i>The Panel considers that urban design outcomes are paramount for this site and that a redesign is considered necessary, particularly for the Barton Street elevation. The layout, design, pedestrian movements, and interfaces with the streetscape and Plaza are fundamental and need to be carefully worked through. The Panel note that an urban design consultant may be necessary to assist Council in this space.</i></p>	<p>The owners understand the panels feedback and engaged the services of Mr Matthew Pullinger as an Urban Design Peer Reviewer whose letter advice is enclosed at Appendix U, and advises in part:</p> <p><i>During the workshop we discussed a series of issues arising from feedback received from Council and identified a number of design strategies that could be adopted to positively resolve this feedback.</i></p> <p><i>I have subsequently reviewed a final amended design proposal that incorporates these design strategies in a clear and compelling manner to ensure the final development application better integrates with the immediate urban context of the site.</i></p> <p><i>This letter deals primarily with urban design issues, site planning considerations and the resultant urban form. To a lesser degree, I also address aspects of the proposed building configuration and general arrangement - to the extent these factors influence the presentation of the project to the public domain and the immediate context.</i></p> <p><i>After considering the amended development proposal and its improved relationship to the local context and neighbouring built form, I note the following points:</i></p> <ul style="list-style-type: none"> <i>_ The key design strategy adopted by the proposal - which delivers meaningful public benefit</i> <i>- is the extension of the existing lane way to connect with Barton Street in a manner that serves to improve the general visibility, permeability and connectivity of the site within the local area.</i> <i>_ This fundamental siting strategy establishes a direct visual and physical connection from Lang Street into the proposed supermarket and specialty shops at a convenient point close to the centre of Kurri Kurri's main street.</i> <i>_ It also serves to efficiently consolidate a larger parcel of land in a format suited to a supermarket and specialty retail development not otherwise achievable in the traditional town centre.</i> <i>_ This siting strategy - and particularly the creation of a new plaza space along Lang Street - also works to strike a positive relationship between the shops of the traditional main street and the primary entry to the proposed supermarket.</i>

MATTERS RAISED BY HCCRPP	RESPONSES
	<p><i>_ The new plaza enhances the presence of the heritage listed Kurri Kurri Hotel which occupies a prominent corner site and comprises a northern elevation that would not otherwise accord with the prevailing street alignment followed by the main street shops.</i></p> <p><i>_ The new plaza also conforms with Council's vision for public domain improvements anticipated for the town centre and as described in the Kurri Kurri master plan including the preferred bluestone pavement material and provision of deep soil to support significant tree planting.</i></p> <p><i>_ The site's other primary address, along Barton Street, has been refined to strengthen its architectural composition, with a reduction in parapet height by 1-2m in height, a stronger delineation of the building plinth and more extensive use of characterful face brick and oxidised metal panels.</i></p> <p><i>_ Planter beds accommodating landscape planting are arranged along the edge of the upper grade carpark to present a softer green edge to Barton Street.</i></p> <p><i>_ More broadly, the public domain treatment along Barton Street adopts the anticipated public domain described in the Kurri Kurri master plan and increases the provision of new street trees interspersed between on street car spaces and new footpaths.</i></p> <p><i>_ The building incorporates a provision for large format public art in a prominent location.</i></p> <p><i>In summary, the final amended development proposal has been carefully considered in its urban design, balancing the key operational parameters of the supermarket use alongside the concerns and feedback raised by Council during the initial DA assessment.</i></p> <p><i>In its resolved form, the proposal provides significant public benefit through the introduction of a new supermarket and speciality shops with address and presence to Lang Street across a new publicly accessible plaza space.</i></p> <p><i>By intelligently responding to the opportunities presented by a larger amalgamated site, the resolved development proposal represents a well designed and considerate contribution to the Kurri Kurri town centre.</i></p>
<p><i>The Panel will wait to hear from Council regarding the Applicant's position in relation to the status of the application and schedule further briefings accordingly, noting that the Panel expects the current DA to be progressed for determination by the end of 2023 and may move to determine the application with the information on hand at that time.</i></p>	<p>Noted.</p>

1.2.11 Responses to Council's RFI for DA No. 8/2023/64/1 dated 25 January 2024 and 2nd List of Design Changes Rev C

On 25 January 2024, Cessnock City Council issued a letter with a request for further information. The matters raised in the Council RFI are addressed in Table 3 below (summarises the matters raised by Council and the applicant's responses inclusive of a list of design changes included in drawings labelled Rev C):

Table 3: Applicant's responses to Council's RFI letter dated 25 January 2024

COUNCIL'S RFI	RESPONSES
<p><u>TfNSW</u></p> <ul style="list-style-type: none"> <i>Insufficient width seems to be available in the existing laneway towards Victoria Street. Although noted as an existing arrangement, this will result in potential queuing into Victoria Street. It is recommended that Council consider an alternate one-way arrangement instead.</i> 	<p>The team from Colston Budd Hunt and Kafes (CBHK) has liaised with TfNSW via telephone and email on 22 February 2024, and have prepared information as included as part of the Traffic Impact Assessment (TIA) included with Appendix E. CBHK have advised in relation to this dot point:</p> <p><i>The traffic matters raised, and our responses are set out below. We note that TfNSW has provided the comments to assist the consent authority in making a determination.</i></p> <p><i>With regards to the first point, the suggestion to make the existing laneway one way was the subject of considerable discussion with Council and the community. On balance, it was agreed that the retention of two-way traffic flow was the preferred outcome as:</i></p> <ul style="list-style-type: none"> <i>two-way traffic flow maintained the current level of accessibility to the properties fronting Lang Road;</i> <i>the traffic flows in the lane were similar or less than when Kingsway Plaza was in operation;</i> <i>the proposed Woolworths development does not increase heavy vehicle movements in the lane; and</i> <i>where practical the lane has been widened to 5.5 metres (including for some 10 to 15m from Victoria Street).</i> <p><i>The suitability of the lane to cater for two-way flow is set out in paragraphs 9 to 13 of our letter dated 17 November 2023 (attached).</i></p>
<ul style="list-style-type: none"> <i>A 10km/h shared zone (two-way traffic and pedestrian movements) is not appropriate upon reviewing the additional information provided and the NSW Speed Zoning Standard. Engineering treatments should be considered to support the sought shared speed zone to lower vehicle speeds through the lane way, such as speed humps and raised thresholds to ensure a safe systems approach to the area.</i> 	<p>And CBHK have prepared information as included as part of the Traffic Impact Assessment (TIA) included with Appendix E. CBHK have advised in relation to this dot point:</p> <p><i>With regards to the second point, we note the TfNSW advice that the lane is not suitable for a shared zone. This is consistent with our advice as set out in paragraph 8 of our letter dated 17 November 2023 (attached). With regards to engineering treatments, such as speed humps or raised thresholds, while we are not opposed to such measures, these are not considered necessary, given the geometry of the lane and interaction with accesses located on the western side of the lane.</i></p>

COUNCIL'S RFI	RESPONSES
<p><i>Please provide Council with a response to these comments for Council's consideration.</i></p>	
<p><u>RPP</u></p> <p><i>Particular consideration should be given to the design and visual interest of the Eastern elevation. Architectural detailing to relieve the blank expanse of the northern two thirds of the eastern façade would be beneficial to provide visual relief to the views from the east.</i></p>	<p>Ben Pomeroy as the registered architect on the project has advised (refer to Appendix B):</p> <p><u>Eastern Facade</u></p> <ul style="list-style-type: none"> • Additional articulation and pattern have been added to the central section of the Eastern façade • An additional oxide colour portion of wall has been added at the junction with the laneway to "bookend" the elevation and match that on the corresponding Barton street end of the façade • Location for the proposed Mural shown. <p>Please refer to Appendix B Rev C in the amended architectural drawings and list of changes.</p>
<p><i>Consideration of a pedestrian linkage between the proposed Woolworths and the existing Aldi development, and further linkages anticipated by the Kurri Kurri Masterplan. Provide detail and establish how these linkages are being provided in this development.</i></p>	<p>The architect has advised (refer to Appendix B):</p> <p><u>Kurri Kurri Masterplan</u></p> <p><i>The scheme has been designed with distinct reference to those future linkages anticipated by the Kurri Kurri Masterplan in the following ways.</i></p> <ul style="list-style-type: none"> • The new laneway being constructed to the West of the site provides for a pedestrian pathway along its full length, improving from the current situation of a shared driveway/path • The shopping centre has been laid out to provide for DDA direct access outside of the main shopping centre interior, for pedestrians from the Upper levels to the lower. • The proposal incorporates the formalising of on street parking along the length of Barton street. This includes a pedestrian blister aligned with the main retail entrance on this level. This will allow for a future pedestrian crossing should pedestrian volumes require it, and in the short term allows for a shorter crossing to the street. <p><i>Specific reference has been made to these items on the amended Architectural Drawings.</i></p>
<p><i>The updated CPTED Report provides recommendations for the development. Please provide a table with the following three columns:</i></p> <p>1) List all of the CPTED recommendations,</p>	<p>The architect has advised (refer to Appendix B):</p> <p><u>CPTED report</u></p> <p>The following architectural items have been integrated into the drawing package:</p> <ul style="list-style-type: none"> • Relocation of entry doors to Basement Amenities, • Painting of Columns and Carpark soffit,

COUNCIL'S RFI	RESPONSES
<p>2) <i>Detail the applicant's response to the recommendation,</i></p> <p>3) <i>Identify the plans that have been amended to reflect the recommendation.</i></p>	<ul style="list-style-type: none"> • Wall height to planter box in carpark limited to 800mm, • Planter box to Southern side of Level 1 Carpark relocated to improve sightlines, • Windows added to T3 tenancy facing Carpark and laneway, • Mirrored finish to wall on Ground floor facing lift entry doors, • Defensive planting added to rear wall behind substation, • Change in floor finish to loading dock paving, from external footpath, • Night gates to secure upper ground floor level entry to travelator, and • Open air staircases secured with screen fencing to all locations. <p>Where items are not annotated on amended drawings and the Updated CPTED has a recommendation, the applicant may be willing to accept a condition of consent except the proposition of the lower-level amenities being relocate, this would adversely impact on the design of the loading dock for truck swept paths and/ or the design of the lift location.</p> <p>Please see table 4 below.</p>
<p><i>Note: particular attention is to be paid to the entry to the accessible toilet, the safety concerns of patrons walking down the laneway between No 160 and 164 Lang Street (shown on Page 21 - Figure 23) and the road laneway, and the requirement for the basement parking area and lift to be open/accessible at all times.</i></p>	<p>The applicant has noted this information, and the entry doors to the amenities within the lower level have been adjusted.</p>
<p><i>With regard to the basement parking and the lift, Council confirms that the basement carpark and the lift would only be required to remain open during the proposed Woolworths operating hours.</i></p>	<p>The applicant has noted this information.</p>

Table 4 below provides the information as requested:

Table 4: CPTED Responses

List all of the CPTED recommendations	Detail the applicant's responses	Drawing/s amended
Table 3: Sight Lines 2. Basement Carpark Amenities <i>Entry to the carpark amenities are located in a concealed corridor. It is strongly recommended that the entry to the amenities be relocated to be directly off the traveller lobby space.</i>	Relocated entry doors to Amenities off the traveller circulation corridor – all users of the travelators will traverse past the entry door repositioned location.	Refer to DA10 Rev C dated 21 February 2024 – lower ground floor – see notation.
Table 3: Sight Lines 4. Light Levels <i>Basement carpark lighting should be designed to maximise internal sight lines. Painting the walls, columns and ceilings of the carpark white can boost lighting outputs. Refer to Table 7.</i>	Painting of Columns and basement Carpark soffit.	Refer to DA10 Rev C dated 21 February 2024 – lower ground floor. – see notation.
Table 3: Sight Lines 5. Landscaping for Sight Lines <i>Design and maintain landscaping to preserve sight lines. Refer to Table 5. The planters proposed in the open air carpark may block sight lines and create concealment spaces to the basement stairs. Reducing their height and setting back may assist</i>	Wall height to planter box in carpark limited to 800mm. Planter box to Southern side of Level 1 Carpark relocated to improve sightlines.	Refer to DA11 Rev C dated 21 February 2024 – upper ground floor– see notation..
Table 3: Sight Lines 6. Window Placement <i>The T3 retail which is likely to be a cafe has no windows oriented towards the supermarket. Additional windows could assist with both perceived and actual surveillance.</i>	Windows added to T3 tenancy facing Carpark and laneway.	Refer to DA11 Rev C dated 21 February 2024 – upper ground floor– see notation. See also North elevation (Laneway) DA21 Rev B.
Table 3: Sight Lines 7. Lift Lobby <i>The lift lobby is a concealment and entrapment space. A vandal resistant mirror is recommended</i>	Mirrored finish to wall on Ground floor facing lift entry doors.	Refer to DA10 Rev C dated 21 February 2024 – lower ground floor. – see notation.

List all of the CPTED recommendations	Detail the applicant's responses	Drawing/s amended
<i>for the wall opposite the lift to assist with sight lines.</i>		
Table 4: Vegetation and landscaping	Defensive planting was added to rear wall behind substation. Can also be implemented on detailed landscape plan at CC stage via imposition of condition.	Detailed Landscape drawings can be required via the imposition of condition.
Table 5: Places of concealment and entrapment 5. Use lighting, vandal resistant mirrors and CCTV in the fire stair alcove that opens onto the laneway	Open air staircases secured with screen fencing to all locations. CCTV can be installed.	Refer to DA10 Rev C dated 21 February 2024 – lower ground floor. – see notation.
Table 7: Territorial Reinforcement 5. Loading area and back of house <i>The loading areas and back of house are semiprivate and private and this should be clearly expressed through signage and Access Control. A change in material/colour on the loading area floor is recommended to distinguish it from more public areas such as external footpaths. Secure all loading areas and back of house when not in use.</i>	Change in floor finish to loading dock paving, from external footpath.	Refer to DA10 Rev C dated 21 February 2024 – lower ground floor. – see notation.
Table 10: Access Control <i>If a temporary concertina gate is used to secure the top of the traveller at close each night, the temporary gate will need to fully enclose the traveller so access cannot be gained on the side. It should not also not facilitate climbing over the gate to gain access into the basement. Preference is given to a more permanent solution which prevents access.</i>	Night gates to secure upper ground floor level entry to travelator.	Refer to DA11 Rev C dated 21 February 2024 – upper ground floor– see notation.

1.2.12 Council Resolution on Applicant's Draft VPA Offer, Draft VPA and Road Closure Application

On 21 February 2024, Cessnock City Council considered a report on its "Planning and Environment" Agenda – "Item PE1/2024 – 174-178 Lang Street, Kurri Kurri – Draft Planning Agreement", this included a copy of the applicant's Letter of Offer and the draft VPA (which was subject to negotiations with Council staff).

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE1/2024

SUBJECT: 174 - 178 LANG STREET, KURRI KURRI - DRAFT PLANNING AGREEMENT

MOTION 685 **Moved:** Councillor Hill **Seconded:** Councillor Grine
RESOLVED

1. That Council publicly notify the Draft Planning Agreement for a minimum period of 28 days.
2. That Council publicly notify the Road Closure for a minimum of 28 days.
3. That Council delegate authority to the General Manager to execute the Planning Agreement unless unresolved written objections are received during the notification period.
4. That Council delegate authority to the General Manager to proceed with the road closure unless unresolved written objections are received during the notification period.

Councillor Moores left the meeting, the time being 08:45 pm

Councillor Moores returned to the meeting, the time being 08:47 pm

Councillor Olsen left the meeting, the time being 08:49 pm

Councillor Olsen returned to the meeting, the time being 08:50 pm

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

This is page 15 of the Minutes of the Ordinary Council Meeting held on 21 February 2024 confirmed on 20 March 2024

1.3 APPLICANT'S CONSULTING REPORTS AND DRAWINGS

This Addendum SEE report and Amended DA is supported by reports, investigations, drawings, and assessments undertaken by the applicant's team of consulting specialists as detailed in the appendices to this SEE report. **Table 5** summarises the documents referenced in each appendix and the associated responsible author (please note items underlined are updated and amended):

Table 5: Specialists Documents and Appendix References

Appendix Reference	Document	Responsible Author
Appendix A	<u>Updated</u> Site Survey	SDG Pty Ltd
Appendix B	<u>Further Amended</u> Architectural Drawings, Site Analysis Plan, Demolition Plan, Notification Plan, Signage Drawings and Staging Plan <u>and List of Drawing updates 21 February 2024</u>	B. Pomroy – Registered Architect
Appendix C	<u>Amended</u> Landscape Architectural Plan and Public Domain Improvement Plans	B. Pomroy – Registered Architect
Appendix D	QS CIV Cost Letter and <u>QS Letter for Public Domain Improvements</u>	Xmirus Pty Ltd
Appendix E	Traffic Impact Assessment Report and <u>Further Information</u>	Colston Budd Rogers and Kafes
Appendix F	Access Report and Access Design Certification	Access Australia
Appendix G	Waste Management Plans	Waste Audit & Consulting Services (Aust) Pty Ltd
Appendix H	NCC Section J Report	Efficient Living
Appendix I	<u>Amended</u> Engineering Drawings, including concept civil design for extension of laneway, stormwater concept design and sedimentation and erosion control plans.	Metiri Consultants Pty Ltd
Appendix J	Acoustic Report	Reverb Acoustics
Appendix K	Preliminary & Detailed Site Investigation	Qualtest Laboratory (NSW) Pty Ltd
Appendix L	<u>Updated</u> Heritage Impact Statement	Weir Phillips
Appendix M	<u>Updated</u> Crime Prevention Through Environmental Design (CPTED) Report	The Design Partnership
Appendix N	Acid Sulfate Soils Assessment and Soil Salinity Assessment Report	Qualtest Laboratory (NSW) Pty Ltd
Appendix O	2 nd Pre-lodgement Meeting Notes	Cessnock City Council
Appendix P	Hunter Water Approval	Hunter Water
Appendix Q	Social Impact Assessment	Judith Stubbs & Associates
Appendix R	BCA Statement and Fire Engineer's Letter	MBC and Fire Engineering Professionals Pty Ltd

Appendix Reference	Document	Responsible Author
Appendix S	Urban Design and Site Analysis Report	B. Pomroy
Appendix T	<u>Consultation Report</u>	Mara Consulting
Appendix U	<u>Urban Design Peer Review</u>	Matthew Pullinger Architect and urban Designer
Appendix V	<u>VPA Letter of Offer dated 29 September 2023</u>	Voitrant 124

2. THE SITE

2.1 LOCATION AND CONTEXT

The land on which the proposed development is to be located is known as the Kingsway Plaza shopping centre at 174-178 Lang Street, Kurri Kurri and includes Council's unnamed laneway. The property has frontage also to Barton Street and an unnamed laneway which traverses through the car parking area of the property.

The Kingsway Plaza is in the Kurri Kurri town centre, see **Figure 1** below. Kurri Kurri town centre is within an existing long-established urban area.



Figure 1: Aerial image of existing site (site shown outlined in red and yellow shading)

Source: NSW Six

The Kingsway Plaza is an existing 2-level neighbourhood shopping centre building with its ground floor level fronting Lang Street and lower-level fronting Barton Street. The existing retail building contains some 3,200 square metres of existing retail floor space which provides for a former supermarket and several specialty shops, and an existing at-grade car parking for 92 cars. The property currently operates with several retailers including: "Priceline Pharmacy", "Flaunt It Hair & Beauty", "Vet Care Kurri", "Tame That Computer" and "Brewers Beanz".

In the location of the existing building, the site has a gradient which increases from its low point at the Barton Street frontage RL51.05 to the Lang Street frontage RL53.35 (footpath immediately adjacent existing steps), this being a 2.3m change in height. As the existing Kingsway Plaza building has been developed over two existing retail levels, it is evident the existing site topography has been altered including excavation to accommodate the lower level and associated loading dock areas adjacent to the unnamed laneway.



Figure 2: Cadastral Information (Kingsway Plaza Site Lot 136 as outlined in red and shaded yellow and section of unnamed laneway to be closed outlined in purple)

Source: NSW SiX

2.3 SURROUNDING SITE DEVELOPMENT

The Kurri Kurri town centre is divided by Lang Street which has been “split” into two due to site topography, with the northern roadway heading east and the southern roadway (on which the subject site fronts) heading west. The two sides of Lang Street (the northern and southern roadways of Lang Street) each have 45-degree parking on both sides of the “split” with a median running down the middle.

Land to the immediate west of the site fronting the corner of Lang Street with Hampden Street (on the south-east corner of the roundabout) is the Kurri Kurri Hotel, being a local heritage listed item. The Kurri Kurri Hotel has an at-grade car parking area accessed from Hampden Street and this car parking area is visible from Barton Street.

The land to the east of the site fronting Lang Street has been developed for a series of shops which currently also have frontage to the unnamed laneway along their southern boundaries. The proposal seeks to maintain access to each of these shops along the unnamed laneway and upgrade the unnamed laneway as detailed in the civil concept drawings included in **Appendix I**.

The land to the immediate east of the site fronting Barton Street has been developed for a KFC restaurant and at-grade car parking area.

The land to the northern side of Lang Street (opposite the subject site) has been developed for a series of shops similar in width and scale as the southern side of Lang Street.

The following photographs 1 to 14 demonstrate the existing site development and surrounds:



Photo 1: View of existing Kingsway Plaza from Lang Street.



Photo 2: View of existing Kurri Kurri Hotel to the immediate west along its Lang Street frontage.



Photo 3: View of existing shops fronting Lang Street to the east of the site.



Photo 4: View of existing shops fronting Lang Street looking south towards the subject site from the middle of Lang Street.



Photo 5: View of existing at-grade car parking area to rear of Kurri Kurri Hotel with access from Hampden Street.



Photo 6: View of existing two-level building the Kingsway Plaza fronting Barton Street.



Photo 7: View of entry / exit to the Kingsway Plaza from existing unnamed laneway and at-grade car parking area.



Photo 8: View of existing eastern elevation of the Kingsway Plaza along the unnamed laneway frontage from within the at-grade car parking area to the east of the existing building.



Photo 9: View of rear of properties along existing unnamed laneway to the east of the site.



Photo 10: View of rear of properties along unnamed laneway further east of the site



Photo 11: View of unnamed laneway along the eastern elevation of the existing Kingsway Plaza building towards Barton Street.



Photo 12: View of the Barton Street façade of the Kingsway Plaza.



Photo 13: View of southern side of Barton Street opposite the site.



Photo 14: View of existing driveways from at-grade car parking area and existing dwelling house at Barton Street frontage of the site.

2.4 SITE ACCESS AND PUBLIC TRANSPORT

The existing site has pedestrian access from Lang Street, Barton Street, and unnamed laneway frontages of the site.

The site currently has its loading and unloading docks accessible from the unnamed laneway. The existing at-grade car parking area currently enjoys access from the unnamed laneway in multiple locations and via Barton Street.

2.5 INFRASTRUCTURE AND SERVICES

The site is in a well-established urban area which has been developed for the existing shops as part of Kurri Kurri town centre. The existing development currently has adequate access to infrastructure services including water, sewer, electricity, and telecommunications services. To assist in the assessment associated with water and sewer services and connections please find enclosed **Appendix N** Hunter Water stamped plan approvals and associated conditions.

3. DESCRIPTION OF THE PROPOSED DEVELOPMENT

3.1 OVERVIEW OF THE PROPOSAL

The proposed redevelopment of the existing Kingsway Shopping centre, involves:

- Demolition of all existing structures,
- Site preparation and bulk earthworks,
- Closure of unnamed laneway / road (approximately 454 square metres and widened laneway 16 square metres into Lot 136) between Lot 136 DP 869710 to Barton Street with associated civil works,
- Extension of existing laneway / road (approximately 647 square metres with the same overall width including carriageway and pedestrian footpath) within Lot 136 DP 869710 to the west and onto Barton Street with associated subdivision,
- Repositioning / re-line marking of street car parking to Barton Street frontage,
- Alterations and additions to the existing pharmacy being Building 1 and construction of a new commercial building being Building 2 fronting Barton Street,
 - Building 1 alterations and additions to the existing pharmacy building fronting Lang Street for a 200 square metres specialty shop,
 - Building 2 including:
 - i. lower level (undercroft) from Barton Street car parking for 120 spaces (inclusive of disabled parking spaces) and 25 new on-street spaces along the Barton Street frontage with interspersed landscaping, 100 square metres specialty shop, travelator, trolley bays, lift, 6 x “Direct to Boot” bays and 173 square metre storage, trolley storage, substation, loading docks and associated facilities,
 - ii. ground floor level from Lang Street / extended unnamed laneway including 31 car parking, trolley bays, access to lift to Barton Street and travelator to lower level, 350 square metres specialty shop and 3,375 square metre Woolworths supermarket store usage and fit out, with 409 square metre mezzanine offices, plant room and plant deck,
- signage and public art space, and
- landscaping.

Details of the proposal are demonstrated in the amended architectural drawings found in **Appendix B**. Details of the amended public domain landscape drawings in **Appendix B**.

3.2 URBAN DESIGN, SITE ANALYSIS AND STREETScape PRESENTATION

The design team as part of their work processes to prepare the architectural drawings included in **Appendix B**, have also prepared the Urban Design and Site Analysis included in **Appendix S** to assist with analysing the site's attributes and how the proposal responds, and the Urban Design Peer Review in **Appendix U**.

The Urban Design and Site Analysis advises:

The subject site is located at heart of the B2 Local Centre zone.

It is abutted on all boundaries by public roads and properties with a similar zoning.

The site is currently in two separate components.

The eastern component, is currently occupied for the entirety of the property by a Two-storey Retail development containing a medium format supermarket, and supporting specialty retail.

The parcel of land to the East, currently is majority on-grade carparking, along with a single storey dwelling house.

A council laneway divides the two land parcels.

The Urban Design and Site Analysis is consistent with Council's Kurri Kurri District Plan and Commercial Centre Masterplan. The "key project" goals set out in Figure 4.1 Kurri Kurri Commercial Centre Masterplan have been included in the design layout of the DA:

Opportunities

Several initiatives were identified in the Masterplan that are located on or adjacent to the subject Site.

- *Creation of a pedestrian Link between Barton Street and Lang Street through a single land owner.*

Other initiatives that may be positively impacted by the redevelopment of the subject site are:

- *Streetscape improvements along Barton Street*
- *Creation of the bus shelter on Barton street, near Victoria street*

The proposal seeks to create new active street presentations to its Lang Street and Barton Street frontages.

At the Lang Street frontage, a renewed specialty shop frontage with new plaza to provide for a curtilage to the Kurri Kurri Hotel and level access via the unnamed laneway extension from Lang Street to the entrance of the proposed Woolworths (see **Figures 4 and 5**).



Figures 4 and 5: Lang Street 3D visualisations of renewed Lang Street presentation with level pedestrian access and new plaza.

Source: B.Pomroy

At the Barton Street frontage, a new specialty shop, main pedestrian entry and glazed façade to allow for visual connection between customers and pedestrians using of the travelator and the public domain of Barton Street.



Figure 6: Barton Street 3D visualisation with pedestrian visual connections and active frontage.

Source: B.Pomroy

A new lift to afford disabled access to and from the Barton Street public domain via the site to Lang Street where no disabled access exists today being a significant improvement in the public domain being the connection for pedestrians between both streets as envisaged by the Masterplan (see “Kurri Kurri Masterplan Key - item 8. Proposed pedestrian connection between Lang Street and Barton Street”) (see **Figure 7** below).



Figure 7: Lang Street wide view 3D visualisation with pedestrian visual connection via proposed plaza, creation of curtilage to Kurri Kurri Hotel and active shop frontage.

Source: B.Pomroy

In addition, the mezzanine office level includes windows to afford casual surveillance of Barton Street below and changes of materials in the façade presentation (see **Figure 8** below).



Figure 8: Barton Street 3D visualisation with mezzanine level office windows.

Source: B.Pomroy

The Urban Design and Site Analysis also includes a 3D Visualisation assessment with photographic comparative analysis of each frontage to enable an understanding in the design outcomes and positive changes which can be brought about by the proposal.

In addition to the above, the proposal seeks the inclusion of a public art installation. To this end, the proposal includes three options for the location of just one installation. The preferred location (detailed in the extract of the elevation in **Figure 9**) for the public art installation is labelled “Public Art wall to laneway” to replace, in part, the existing view from Kurri Kurri Hotel car park to the site.

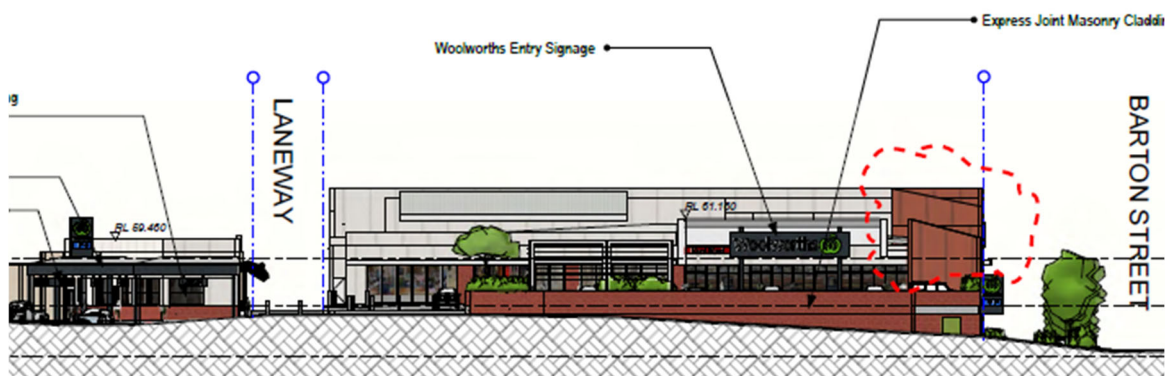


Figure 9: Unnamed Laneway preferred location for public art installation labelled “Public Art wall to laneway” to replace existing view from Kurri Kurri Hotel car park.

Source: B.Pomroy

Based on feedback from the local community at the popup information session, the eastern elevation is the preferred location for a new mural. The applicant is happy to locate murals as preferred – see **Figure 10**.

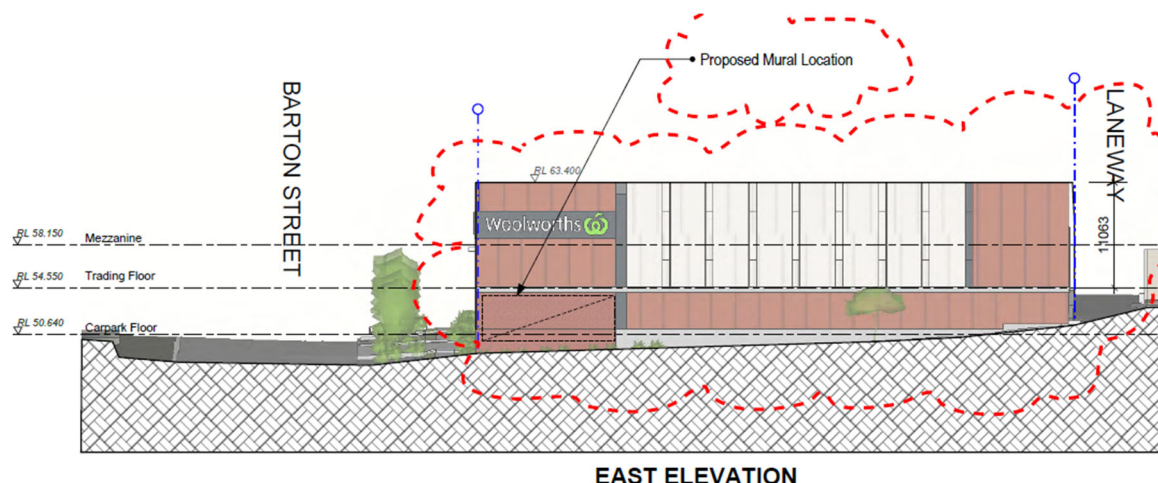


Figure 10: East elevation extract from Rev C 21 February 2024, with addition of new materiality as requested.
Source: B.Pomroy

3.3 PROPOSED DEVELOPMENT STATISTICS AND USAGE

The proposal seeks approval for the alterations and additions to the existing pharmacy building (and its retention during construction) and construction of a new commercial building and its use for a Woolworths supermarket store as detailed on the floor plans in the Architectural Drawings included in **Appendix B. Table 6** below summarises the proposed development data:

Table 6: Development Data

	Cessnock Local Environmental Plan 2011 (CLEP) / Cessnock Development Control Plan (CDCP) requirement	Proposal
Floor Space Ratio	CLEP Designation - not applicable	0.77:1
Site Area	6,168 square metres (refer to site updated survey Appendix A)	Site area slightly reduced by extension of unnamed laneway through site – 119 square metres therefore new site area 5,959 square metres
Gross Floor Area	Existing 3,200 square metres	4,607 square metres
Height of Building	CLEP Designation – not applicable Existing building Barton Street parapet RL59.37 – RL51.05 = 8.32m.	Parapet RL63.40 – RL47.57 = 15.83m at Barton Street south-east corner. As discussed previously, the existing dwelling house as located within the at-grade car parking area fronting Barton Street, is the lowest point of the site with RL47.57. The change in gradient along the Barton Street

Cessnock Local Environmental Plan 2011 (CLEP) / Cessnock Development Control Plan (CDCP) requirement		Proposal
		frontage of 3.48m is equivalent to another level and in this instance has been designed to accommodate the clearance required for the loading dock including waste collection truck and the finished edge of the parapet associated with the mezzanine level.
Car Parking	<p>CDCP 2010 Part C: General Guidelines Chapter 1: Parking and Access Table 1.2 Car Parking Standards - "shops and general business":</p> <p><i>(a) < or = to 1000m2 gross floor area</i></p> <p><i>(b) >1000m2 gross floor area (includes supermarkets, department stores, shopping centres) = 1 space per 15m2 of gross floor area</i></p>	<p>Proposal 177 new car parking spaces consisting of 26 Barton Street spaces, 120 lower-level undercroft parking spaces, 31 at-grade parking spaces including 4 disabled car parking bays and 6 "direct-to-boot" bays.</p> <p>Refer to Table 3.1 Summary of Additional Parking Required (DCP) assessment contained in the Traffic Impact Assessment in Appendix E.</p> <p>Also refer to Table 3.2 Parking Required (TfNSW) in the Traffic Impact Assessment in Appendix E.</p>
Loading Dock	<p>CDCP 2010 Part C: General Guidelines Chapter 1: Parking and Access 1.4.4 Loading / Unloading Facilities</p> <p><i>i. In the case of all commercial, retail, and industrial development, adequate provision must be made on the development site for the loading and unloading of service vehicles.</i></p> <p><i>ii. The number and dimensions of loading bays required in any particular case will be assessed by Council having regard to the nature and scale of the proposed development, the estimated frequency of deliveries and the type of delivery vehicle likely to be involved. Details regarding the estimated size and frequency of</i></p>	<p>Loading dock suitable for vehicles up to 14.4-metre-long articulated trucks in the lower-level undercroft. Refer to paragraph 3.20 in the Traffic Impact Assessment in Appendix E for detailed assessment of the proposed 4 service bays in the loading dock.</p>

Cessnock Local Environmental Plan 2011 (CLEP) / Cessnock Development Control Plan (CDCP) requirement		Proposal
	<p><i>goods delivery vehicles visiting the premises are required to be submitted with the development application.</i></p> <p><i>iii. Loading / unloading bays should be designed to ensure that vehicles can manoeuvre into and out of all loading / unloading areas without conflicting with the movement of traffic on site or in the adjacent streets.</i></p> <p><i>iv. The loading / unloading areas should be designed to accommodate the turning path of appropriate service vehicles.</i></p> <p><i>v. The loading / unloading areas must be designed to ensure that vehicles stand entirely within the site during loading and unloading operations.</i></p>	
Disabled Car Parking	<p>CDCP 2010 Part C: General Guidelines Chapter 1: Parking and Access 1.4.3 Disabled Parking</p> <p><i>Special parking spaces for disabled persons should be provided at the rate of 1 or 2% of the overall spaces provided for a retail / commercial development. These spaces should be clearly signposted and have a minimum width of 3.2 metres. Refer to the Australian Standard 1428 Design for access and mobility.</i></p>	<p>4 disabled spaces included in the proposal have been designed in accordance with the Australian Standard as detailed in the Access Report included in Appendix F.</p>
Bicycle Parking and Cycling Facilities	<p>No provision contained in the CDCP 2010.</p>	<p>Design can be adjusted to include 8 bicycle parking and 8 motorcycle spaces via the imposition of condition as discussed at paragraph 3.16 of the Traffic Impact Assessment in Appendix E.</p>

Use:

This DA seeks approval for the base building into which the proposed retail usage involves a Woolworths supermarket store will operate. A base internal fit out of the proposed Woolworths supermarket store is included on the upper ground floor plan DA11 Rev B in **Appendix B**. The existing Priceline Pharmacy will be retained, and no changes are proposed to its current usage and operations (that is this DA does not seek to alter the existing operational aspects of the existing pharmacy nor is there a need to seek approval for its usage as it already operates at the site).

Hours of operation/trade:

This DA seeks hours of trade for the proposed Woolworths supermarket store:

Mondays to Sundays: 6am to 12am (midnight)

And specialty shops (general):

Mondays to Sundays: 9am to 6pm

This DA seeks approval for the hours of operation for the loading dock:

Mondays to Sundays: 5am to 12am

Number of Staff:

Regarding employment generation:

Operational Environment:

Supermarket: The additional 150 permanent retail employees would earn an average annual wage of around \$38,532, based on employee earnings data for the retail trade industry released by the ABS in May 2018. This represents an additional \$6.8 million in salary/wages for the local economy, as a direct result of the retail component of the proposed development.

Speciality shops: 3 tenancies employing on average the equivalent of 2 FTE per tenancy.

Construction Phase:

The total construction estimate is circa \$22M and therefore based on Infrastructure Australia's calculations would equate to approximately direct 15 FTE plus circa 200 indirect from the labour and suppliers during the construction period (estimated at 16 months) based on Infrastructure Australia data.

Security:

CCTV and site security services will be implemented as required by NSW Police as part of the referral process Council seeks input, refer to the Crime Prevention through Environmental Design Report (CPTED Report) included in **Appendix M**, with summary of measures discussed at Section 4.10.11 of this SEE.

This DA seeks to install new external lighting to comply with the Australian Standard. The objective of the proposed lighting is to illuminate the proposed building and car parking areas without spilling light onto adjoining properties.

3.4 FINISHES AND MATERIALS

Details of all finishes and materials are included on the drawings at **Appendix B**.

3.5 TRAFFIC, ACCESS, AND PARKING

Pedestrian access

A pedestrian access review has been completed as included in **Appendix F**. This indicates the proposal is suitably designed. A DDA certification is also included at **Appendix F** which indicates the proposal will comply when completed.

Vehicle access

Refer to the assessment contained in the Traffic Impact Assessment and letter responses in **Appendix E**.

Car parking

Refer to the assessment contained in the Traffic Impact Assessment in **Appendix E**.

3.6 CIVIL AND STRUCTURAL ENGINEERING

Amended civil engineering drawings associated with the proposed laneway widening and extension of the unnamed laneway including widening and upgrade of the portion of the laneway fronting the existing at-grade car parking area of the site, and stormwater works are proposed, as shown in the concept Engineering drawings included in **Appendix I**.

3.7 LANDSCAPING

The proposal includes new landscape planter beds (refer to the public domain drawings included in **Appendix B**) to soften the view of the proposed building from the Kurri Kurri Hotel.

3.8 STORMWATER MANAGEMENT

A concept stormwater design has been prepared along with consideration of the nearby water catchment conditions in the vicinity of the site. Please refer to the Engineering Drawings included in **Appendix I**. As such, the proposed development can manage its stormwater discharge appropriately with the upgrades to the unnamed laneway as shown in the concept stormwater management drawings included in **Appendix I**.

3.9 SIGNAGE INFORMATION

The proposed development seeks approval for the inclusion of signage as part of a signage strategy to support the businesses along the proposed elevations to Lang Street and Barton Street frontages. **Table 7** provides a summary of the proposed signage:

Table 7: Summary of proposed signage

Sign	Signage Type/Contents	Dimensions	Illumination
A	3 x flush wall signs with contents "Woolworths" and Woolworths logo	11700mm W x 2300mm H – 16.5 square metres	Yes
B	2 x Flush wall sign with contents Woolworths logo and "Loading dock"	900mm W x 1300mm H – 1.2 square metres	No
C	2 x Pylon signs with contents "Please return your trolley here" with trolley graphic and Woolworths and logo, and "Trolley bay" with trolley graphic and Woolworths and logo	0.6 square metres 1.2 square metres	No
D	Pylon sign with contents "Woolworths and Woolworths logo" and "P" with directional arrow	800mm W x 5800mm H (and overall height 6.1m) – 4.64 square metres	Yes
E	Pylon with contents "Thank you" and Woolworths and logo	930mm W x 600mm H (and overall height 2m) – 1.44 square metres	No
F	Flush wall sign with contents "Kurri Kurri"	4400mm W x 500mm H – 2.2 square metres	Yes
G	Flush wall sign with contents "Entry" and "Exit"	9400mm W x 550mm H – 4.7 square metres	

3.10 WASTE MANAGEMENT

Waste Management Plans have been prepared for the demolition, construction, and operational stages of the proposal to the extent advised within the document, that is, details around demolition and construction have been provided at **Appendix G**, and these details can be confirmed as part of the Construction Certificate (CC) stage by the appointed "principal contractor".

3.11 UTILITY INFRASTRUCTURE INSTALLATIONS AND UPGRADES

The site has access to connections to existing utility service infrastructure including water, sewer, gas, electricity, and telecommunications already to the existing Kingsway Plaza building. The proposal has included a new substation at the Barton Street frontage in a location which will not hinder the required access of the energy provider.

To assist in the assessment associated with water and sewer services, and connections, please find enclosed **Appendix P** Hunter Water stamped plan approvals and associated conditions.

4. ENVIRONMENTAL ASSESSMENT

4.1 COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT

The application does not trigger a controlled action under the *Commonwealth Environment Protection and Biodiversity Conservation Act* (EPBC Act).

4.2 NSW BIODIVERSITY CONSERVATION ACT 2016

The *NSW Threatened Species Conservation Act 1995* (TSC Act) was repealed and replaced by the *NSW Biodiversity Conservation Act 2016* (BC Act) on 25 August 2017. There is no vegetation or fauna on the site which is identified as a threatened species or an endangered community on the NSW Biodiversity Values Map and Thresholds Tool.

4.3 NSW ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A ACT)

The following section of this SEE report provides an assessment against the relevant provisions of the EP&A Act:

Section 2.12 of the EP&A Act – District and Regional Planning Panels

Pursuant to Section 2.12 of the EP&A Act, the Minister by Order as published, constituted the District Panel to determine a DA which is regional development as outlined in Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*, where:

- *Regional development, as outlined in 6*
 - *development with a capital investment value (CIV)* over \$30 million*
 - *development with a CIV* over \$5 million which is:*
 - *council related*
 - *lodged by or on behalf of the Crown (State of NSW)*
 - *private infrastructure and community facilities*
 - *eco-tourist facilities*
 - *extractive industries, waste facilities and marinas that are designated development,*
 - *certain coastal subdivisions*
 - *development with a CIV* greater than \$30 million which is referred to the Planning Panel by the applicant after 120 days*

* *Capital investment value (CIV) is calculated at the time of lodgement of the DA for the purpose of determining whether an application should go to a Planning Panel - refer to Planning Circular PS 10-008.*

The proposed development involves a CIV with a value of less than \$30M, (refer to **Appendix D** for QS CIV Cost letter) but does include Council land with a CIV greater than \$5M. Therefore, this DA does trigger the determining authority as the Regional Panel.

Section 2.17 of the EP&A Act – Local Planning Panels

Pursuant to Section 2.17 of the EP&A Act, the Minister by Order as published, constituted the Local Planning Panels (IHAPs) to determine a DA which meets certain “Referral criteria”. For completeness the referral criteria include:

Table 8: Summary of IHAP criteria

Summary of IHAP Development Application Criteria	
Conflict of interest	Development for which the applicant or landowner is: <ul style="list-style-type: none"> • the council • a councillor • a member of staff who is principally involved in the exercise of council’s functions under the EP&A Act • a member of Parliament or • a relative of one of the above.
Contentious development	<ul style="list-style-type: none"> • council’s approved submission policy triggers a referral or • for schedules 1 and 2 only — DA that receives 10 or more unique objections or • for schedule 3 only — DA that receives 25 or more unique objections.
Departure from development standards	Development that contravenes a development standard imposed by a planning instrument by: <ul style="list-style-type: none"> • more than 10% or • non-numerical development standards or • for schedule 3 only — more than 25% for dwelling houses, dual occupancies and attached dwellings.
Sensitive development	<ul style="list-style-type: none"> • designated development • for schedule 1 only — Residential Flat Building, 3 or more storeys in height • for schedules 2 and 3 only — Residential Flat Building, 4 or more storeys in height • demolition of a heritage item • development for the purposes of new premises that will require: <ul style="list-style-type: none"> ○ a club licence or ○ a hotel (general bar) licence or ○ an on-premises licence for public entertainment venues • development for the purpose of sex services premises and restricted premises DAs for which the developer has offered to enter into a planning agreement.

Section 4.13 of the EP&A Act – Consultation and Concurrence

Pursuant to Section 4.13 of the EP&A Act, several consultations and concurrences can be triggered under the State Environmental Planning Policy (Transport and Infrastructure) 2021 Chapter 2 which includes all the provisions transferred across from the former State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP). The proposed development does not involve works which require a concurrence under the provisions of the Infrastructure SEPP. Consultation with the energy provider is triggered given the DA includes a proposed substation.

Section 4.13B of the EP&A Act - Concurrence

Pursuant to Section 4.13B of the EP&A Act, no concurrence is triggered / required for the proposed development. Note approval from Hunter Water has already been obtained as included in **Appendix P**.

Section 4.15 of the EP&A Act - Evaluation

This section of the SEE provides an assessment of the relevant environmental planning issues associated with the proposed redevelopment in accordance with Section 4.15(1) of the EP&A Act, which states:

4.15 Evaluation (cf previous s 79C)

(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

4.4 SECTION 4.15(1)(A)(I) – ENVIRONMENTAL PLANNING INSTRUMENTS

The following environmental planning instruments have been considered in the assessment and preparation of this application:

- *Cessnock Local Environmental Plan 2011 (CLEP);*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021;*
- *State Environmental Planning Policy (Planning Systems) 2021; and*
- *State Environmental Planning Policy (Resilience and Hazards) 2021.*

Cessnock Local Environmental Plan 2011

The main environmental planning instrument applying to the proposed development is the Cessnock Local Environmental Plan 2011 (CLEP). The following sections undertake an assessment of the proposal against the relevant provisions of the CLEP.

4.4.1.1 Clause 2.1 – Land use zones

At the time this DA was lodged on 2 February 2023, the site was zoned B2 Local Centre under the CLEP, despite the change on 26 April 2023 into E1 Local Centre zone. The portion of the site on which the proposed development is zoned B2 under the CLEP Land Zoning Map, as shown in **Figure 11** below.



Figure 11: CLEP Land Zoning Map extract (Lot 136 site outlined in yellow dashed lines)

Source: NSW ePlanning

4.4.1.2 Land use table

The **Land use table** of the CLEP states as follows in relation to the B2 Local Centre zone:

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Centre-based child care facilities; **Commercial premises**; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Service stations; Sewage reticulation systems; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Resource recovery facilities; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Wharf or boating facilities; Wholesale supplies

The proposed form of development involves “commercial premises” with “retail premises” a subcategory, both of which are “permitted with consent” under Item 3 based on the definitions in the Dictionary of the CLEP as follows:

commercial premises means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (a) (Repealed)
- (b) cellar door premises,

- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note.

Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

The proposed development is consistent with the objectives of the B2 Local Centre zone, as demonstrated in **Table 9** below.

Table 9: Assessment of the proposed development against the zone objectives – B2 Local Centre zone under the CLEP

B2 Local Centre zone - objectives	Comment
<ul style="list-style-type: none"> To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. 	<p>The proposed development involves creating a renewed site development and publicly accessible spaces, including proposed uses which are compatible with other desired and earmarked land uses of nearby land.</p> <p>The proposed development is compatible with other land uses as it is permissible, has been designed to ensure connectivity and activation of the street edges and frontages. In terms of bulk and scale, the proposal is consistent with the desired built form character of retail/commercial development in this location of Kurri Kurri.</p> <p>The proposed development will complement and contribute to the mixture of land uses.</p>
<ul style="list-style-type: none"> To encourage employment opportunities in accessible locations. 	<p>The proposed development will ensure that the existing retail activity environment for customers is improved which will enable tenants and encourage tenants to engage new employment opportunities</p>

B2 Local Centre zone - objectives	Comment
	by promoting year-round trade with improvements in accessible locations.
<ul style="list-style-type: none"> <i>To maximise public transport patronage and encourage walking and cycling.</i> 	The proposed development will contribute to the reinstatement of the building and therefore the desired future character of Kurri Kurri and will support the local community in a location with access to public transport and will support more patronage for existing public transport services, including new patronage opportunities.

4.4.1.3 Clause 2.6 Subdivision

The proposal does involve a subdivision because of the relocation of the unnamed laneway. As such the provisions of Clause 2.6 are triggered and this DA seeks consent for the concept as detailed in the “Site Acquisition Plan” DA03 in the architectural drawing included in Appendix B. The applicant is willing to accept a condition requiring a detailed plan of subdivision as part of the process to relocate the unnamed roadway.

4.4.1.4 Clause 4.1 Minimum Subdivision lot size

The proposal involves the subdivision of existing Lot 136. However, there are no minimum lot sizes required for a subdivision. As such, the provisions of Clause 4.1 of the CLEP are not triggered.

4.4.1.5 Clause 4.1A Subdivision in the Hunter Economic Zone

The site is not located in the Hunter Economic Zone as shown on the CLEP Hunter Economic Zone Map Sheet HEZ_009A.

4.4.1.6 Clause 4.3 Height of buildings

The CLEP does not have any Height of Building (HOB) designation under the CLEP HOB mapping for the site. As such, the proposal is compliant.

4.4.1.7 Clause 4.4 Floor space ratio

The CLEP does not have a Floor Space Ratio (FSR) designation under the CLEP FSR mapping for the site. As such, the proposal is compliant.

4.4.1.8 Clause 5.1 Relevant acquisition authority

No portion of the site is affected by the Land Acquisitions Mapping of the CLEP.

4.4.1.9 Clause 5.10 Heritage conservation

The subject site is not identified as a heritage item under the CLEP and is not located within a Heritage Conservation Area.

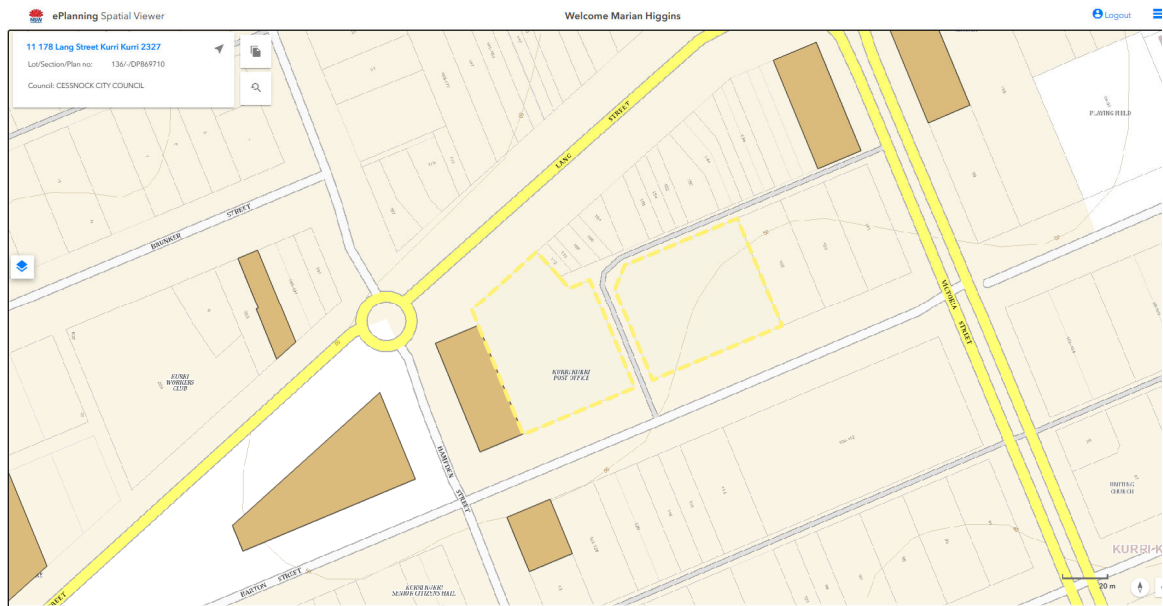


Figure 12: CLEP Heritage Map extract (Lot 136 site outlined in yellow dashed lines and Kurri Kurri Hotel identified as a heritage item to the south-west)

Source: NSW ePlanning

The site is in the vicinity of a local heritage item being the Kurri Kurri Hotel as such the provisions of Clause 5.10 have been considered in the preparation of the Updated Heritage Impact Statement as included in **Appendix L**, which concludes the proposal is acceptable as follows:

The proposed works will have a minimal and acceptable impact on the adjacent heritage item, 'Kurri Kurri Hotel', because the new buildings are well-designed with a contemporary aesthetic that comprises well-modulated facades that utilise high-quality materials. The proposal will be separated from the item by a generous setback so that the built form of the item can continue to be readily appreciated and understood, and the new development visually subordinate to the item. The proposed works will, overall, remove an existing building of little aesthetic value and replace it with a new development that is well designed, appropriate to its built context and sits comfortably in the setting of the item.

The proposed works will have a minimal and acceptable impact on heritage items within the vicinity because the proposal replaces existing infill development with buildings that are well-designed and of an appropriate massing and scale in relation to the streetscape. There will be no impact on either their fabric or significant view corridors towards the items, nor will the ability of the public to understand and appreciate the items be impacted on.

The proposed works fulfil the aims and objectives of the Cessnock LEP 2011 and the Cessnock DCP 2010 by improving the quality and diversity of retail options in Kurri Kurri while respecting the heritage significance of the area in which it lies.

4.4.1.10 Clause 5.21 Flood Planning

The site is not impacted by Flood Planning Map detailed under the CLEP, as such Clause 5.21 is not triggered by the proposed development.

4.4.1.11 Part 6 Urban Release Areas - Clauses 6.1 to 6.4

The site is not identified as an “urban release area”. As such the provision of Clauses 6.1 to 6.4 are not applicable.

4.4.1.12 Clause 7.1 Acid Sulfate Soils

Clause 7.1 of the CLEP is not applicable as the site is not affected by the Acid Sulfate Soils mapping on the CLEP. The applicant has obtained an Acid Sulfate Soil and Salinity Assessment Report included in **Appendix N**, which advised in respect to Acid Sulfate Soils (ASS) at paragraph 4.2 “Field Assessment”:

Based on the desk study and field observations, further assessment of ASS (i.e. laboratory testing) was not considered to be required.

4.4.1.13 Clause 7.2 Earthworks

A large proportion of the site has already been excavated. The eastern portion of the site where the at-grade car parking area has been the subject of borehole testing as detailed in the Preliminary and Detailed Site Investigation report included in **Appendix K** and the Acid Sulfate Soils and Soil Salinity Assessment Report (ASS & SA) included in **Appendix N**.

The ASS & SA advises at paragraph 5.4.1 Site Conditions:

The following site observations were made during the site investigations:

- *The soils observed in the boreholes on the site comprised fill materials (ranging in depth from 0.2m to 1.9m below ground surface (bgs)), overlying residual soils and weathered sandstone.*
- *No groundwater inflows were observed to the depths of investigation of 0.4m to 2.15m (where refusal on sandstone was reached). Groundwater depth is anticipated to be greater than 5m below the groundwater surface, although perched shallower groundwater may be present in localised areas.*
- *There was no vegetation on site. The site was covered by a building with a concrete slab, and asphalt paved car park.*

And, at paragraph 5.4.2 Laboratory Results:

The testing on selected samples indicated that the residual soils and highly weathered sandstone are:

- *Low to very low permeability (<2.5mm/hour to 20mm/hour) based on the soil texture, and sodicity;*
- *Not corrosive based on aggressivity;*
- *The residual soils are dispersive based on Emerson crumb tests, and the weathered sandstone soils are non-dispersive;*
- *Sodic based on exchangeable sodium percentage;*
- *Slightly acidic based on pH; and,*
- *Not saline as E_{Ce} was below 4,000 µS/cm in each sample. This is also supported by the predominant soil texture observed (Medium to Heavy Clays).*

As such, the proposal will not affect any underground drainage patterns, any earth material excavated from the site during the construction stage (noting that a principal contractor cannot be appointed until a development consent has been issued) will be evaluated by the appointed principal contractor at the time of works, the existing excavated portion of the site did not reveal any relics, the relevant protocols can be employed to avoid the likelihood of disturbing relics and the applicant is willing to accept the imposition of conditions to mitigate and minimise the impacts associated with the excavation stage of the project. As such, the proposal can ensure it is consistent with the requirements of Clause 7.2 of the CLEP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

4.4.1.14 Chapter 2 Infrastructure

4.4.1.15 Clause 2.48 Electricity Transmission Considerations

The provisions of **Clause 2.48** of the Infrastructure SEPP have been considered by the applicant in the preparation of this DA, which states:

2.48 Determination of development applications—other development

(1) This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following:

(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,

(b) development carried out:

(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or

(ii) immediately adjacent to an electricity substation, or

(iii) within 5m of an exposed overhead electricity power line,

(c) installation of a swimming pool any part of which is:

(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or

(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,

(d) development involving or requiring the placement of power lines underground unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must:

(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and

(b) take into consideration any response to the notice that is received within 21 days after the notice is given.

The proposal includes provision of a new substation at the Barton Street frontage in a location which would be accessible to the energy providing authority and the DA would require a referral.

4.4.1.16 Clause 2.118 Development with frontage to classified road

Clause 2.118 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) specifies requirements for development with a frontage to a classified road as identified in the Roads and Maritime Services (RMS) *Schedule of Classified Roads and State & Regional Roads* ('the Schedule'). The site does not have frontage to any classified road.

4.4.1.17 Clause 2.121 Traffic-generating development

Clause 2.121 of the Transport and Infrastructure SEPP specifies the following requirements for development that falls within the criteria in Schedule 3.

Where Clause 2.121 states:

2.121 Traffic-generating development

(1) *This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*

- (a) *new premises of the relevant size or capacity, or*
- (b) *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

(2) *In this clause, "relevant size or capacity" means:*

- (a) *in relation to development on a site that has direct vehicular or pedestrian access to any road-the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
- (b) *in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection-the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*

(3) *Before determining a development application for development to which this clause applies, the consent authority must:*

- (a) *give written notice of the application to the RTA within 7 days after the application is made, and*
- (b) *take into consideration:*
 - (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
 - (ii) *the accessibility of the site concerned, including:*
 - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) *any potential traffic safety, road congestion or parking implications of the development.*

- (4) *The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.*

Clause 2.121 of the Transport and Infrastructure SEPP specifies the following requirements for development that falls within the criteria in Schedule 3 of the SEPP:

- (3) *Before determining a development application for development to which this clause applies, the consent authority must:*
- (a) *give written notice of the application to TfNSW within 7 days after the application is made, and*
 - (b) *take into consideration:*
 - (i) *any submission that the TfNSW provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the TfNSW advises that it will not be making a submission), and*
 - (ii) *the accessibility of the site concerned, including:*
 - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) *any potential traffic safety, road congestion or parking implications of the development.*

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Purpose of Development</i> <i>Note: The development may be the erection of new premises or the enlargement or extension of existing premises</i>	<i>Size and capacity – site with access to any road</i>	<i>Size or capacity – site with access to a classified road or to a road that connects to a classified road (if access within 90m of connection, measured along alignment of connecting road)</i>
<i>Parking (whether or not ancillary to any other development)</i>	<i>200 or more motor vehicles</i>	<i>50 or more motor vehicles</i>
<i>Shops</i>	<i>2,000m² in gross floor area</i>	<i>500m² in gross floor area</i>

The proposal does involve new GFA and car parking. As such, a referral under Clause 2.121 to Transport for NSW is triggered.

State Environmental Planning Policy (Resilience and Hazards) 2021

On 1 March 2022, several Statement Environmental Planning Policies (SEPPs) came into operation which effectively consolidated existing SEPPs, without changing the application of those former SEPPs. In this regard, the following newly named SEPPs have been considered where each involved a transfer of existing SEPP provisions: State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) will become Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021, which includes Schedule 3 “Transfer of provisions” at clause 3.

All the provisions of former *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) relates to the remediation of contaminated land were migrated into Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (referred to as *Resilience and Hazards SEPP*) on 1 March 2022. Chapter 4 intends that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

Chapter 4 of the *Resilience and Hazards SEPP* makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected and requires councils to be notified of all remediation proposals. The *Managing Land Contamination: Planning Guidelines* were prepared to assist councils and developers.

Clause 4.6 of the *Resilience and Hazards SEPP* states as follows:

4.6 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is:

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational, or childcare purposes, or for the purposes of a hospital—land:*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The preliminary and detailed site investigation included in **Appendix K** which advises:

Based on the preliminary and detailed assessment completed, it is considered that the site is suitable for the proposed shopping centre development (commercial/industrial purposes), provided the following recommendations are implemented:

- *Preparation of an Asbestos Management and Removal Plan to be implemented during earthworks and construction of the proposed development. The plan should outline how ACM will be assessed and identified prior to earthworks commencing on the site, and the procedures for the handling and removal of ACM (including soils containing asbestos). Care must be taken to prevent spreading ACM onto other areas of the site;*
- *Preparation of an Unexpected Finds Procedure to manage potential unexpected finds of contamination during earthworks and construction for the proposed development.*
- *The Asbestos Management and Removal Plan and Unexpected Finds Procedure could form part of the Construction Environmental Management Plan, to be prepared by the site owner/manager, or contractor.*

The applicant is willing to accept conditions to implement these recommendations, and consequently, the provisions of Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 have been satisfied.

State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Planning Systems) 2021 applies to a project based on the requirements in schedule 6.

The Planning Panels determine the following types of development applications (DAs) and modification applications:

- *Regional development, as outlined in Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021*
 - *development with a capital investment value (CIV)* over \$30 million*
 - *development with a CIV* over \$5 million which is:*
 - *council related*
 - *lodged by or on behalf of the Crown (State of NSW)*
 - *private infrastructure and community facilities*
 - *eco-tourist facilities*
 - *extractive industries, waste facilities and marinas that are designated development,*
 - *certain coastal subdivisions*
 - *development with a CIV* between \$10 million and \$30 million which is referred to the Planning Panel by the applicant after 120 days*

** Capital investment value (CIV) is calculated at the time of lodgement of the DA for the purpose of determining whether an application should go to a Planning Panel - refer to Planning Circular PS 10-008.*

In this regard, the Capital Investment Value (CIV) is \$21,968,952 (ex GST refer to **Appendix D**) and involves a Council asset, it therefore does trigger *State Environmental Planning Policy (Planning Systems) 2021*, and the regional panel is the determination authority under this SEPP.

State Environmental Planning Policy (Industry and Employment) 2021 – Chapter 3 Signage

State Environmental Planning Policy No. 64 – Advertising and Signage has now become Chapter 3 “Advertisements” of State Environmental Planning Policy (Industry and Employment) 2021. The proposed development seeks approval for the inclusion of signs some of which are back-lit illumination and others non-illuminated. **Table 10** provides a summary of the proposed signage.

The location of these signage zones will enable way finding for customers with the inclusion of the name and logo of a business over the entry door for a tenant’s premises to direct customers to their business. As such, Council can direct that these signage zones can only be used to accommodate a business identification signage under Chapter 3 of the Industry and Employment SEPP given the Standard Instrument definition, which states:

business identification sign means a sign:

(a) that indicates:

- (i) the name of the person, and
- (ii) the business carried on by the person,

at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not include any advertising relating to a person who does not carry-on business at the premises or place.

And

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods, or services.

Note—

*Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.*

As such the provisions of Division 2 do not apply to the proposed signage by virtue of Clause 3.7(1) which states:

3.7(1) Advertisements to which this Part applies

(1) This Part applies to all signage to which this Chapter applies, other than the following -

- (a) business identification signs,
- (b) building identification signs,
- (c) signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,
- (d) signage on vehicles.

Therefore, the DA does not require concurrence from the RMS (now TfNSW) for any signage or signage zone proposed. The proposed building identification signs and signage zones are of a high-quality design and finish that incorporates elements of the proposed building on the site thus making it compatible with the amenity and visual character of the locality and effectively communicates the name of the businesses on site. Therefore, the signs are consistent with the aims of the SEPP as set out in Clause (3)(1)(a).

The proposed development is consistent with the assessment criteria included in Schedule 5 of SEPP Industry and Employment. An assessment of the proposal against these criteria is provided in the following table.

Table 10: Assessment of proposed signage against Schedule 5 of Industry and Employment SEPP

Assessment Criteria	Proposed Signage
Character of the area	The proposed signs are compatible with the building design, along with the existing and desired future character of the area as the subject site is in a centre, in an area which is characterised by a mix of shops, food and drinks premises, health & medical and hotel uses. The proposed signage seeks to provide signage which will enable the display of business identification signage for the tenant of the building on the subject site. The proposed signs are compatible with the character of the area as the signage is compatible with the design of the buildings in the locality and wider Kurri Kurri town centre locality. Furthermore, the proposed signage will be of a high-quality finish and will complement the existing signage located within the surrounding area and the materials and colours used for the proposed building. The proposed signage will provide visual interest and is consistent with the bulk and scale of other signs used for similar purposes in the centre.
Special areas	<p>It is considered that the proposed signage will not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes, or residential areas.</p> <p>The subject site is in an established commercial area, and as such does not contain any environmentally sensitive areas. The residential areas south of the site will not be impacted by the proposal given the location of the signs have the extra wide street provide buffering due to the distance separated by Barton Street and the orientation / placement of the building towards the at-grade car parking area. Also please refer to the Heritage Impact Statement included in Appendix L.</p>

Assessment Criteria	Proposed Signage
Views and Vistas	<p>The proposed signage will not obscure or compromise any important views or vistas from or to the site given their location and the proposed signs are flush wall and compatible with the building height for the proposed development.</p> <p>The location and scale of the proposed signage is such that it will respect the viewing rights of other advertisers by not blocking the line of sight of any existing advertising and will not be visually dominant other than provide drivers with wayfinding information to access the car parking area of the undercroft and loading docks.</p>
Streetscape, setting or landscape	<p>The scale, proportion and form of the proposed signs are appropriate for the streetscape, as the subject site is located within an established commercial area which contains examples of other signs on the building and nearby retail buildings. As such, the character of the proposed signs is consistent with the area.</p> <p>The proposed signs will contribute to the visual interest of the locality, as the signage will be of a high-quality design and appearance and will complement existing signage located within the surrounding area.</p> <p>The proposed signs do not protrude above the upper parapet of the existing building and are no higher than existing structures or tree canopies in the area and will not require ongoing vegetation management.</p>
Site and building	<p>The proposed signs are complementary in scale and proportion with the proposed building onto which they will be affixed. The proposed signs demonstrate innovation in design thought, by optimising the location with view corridors to direct customers to pedestrian and vehicular entry point's visual view lines for customers within the at-grade car parking area, whilst not impacting on traffic movements into and out of the existing road network, and not impacting on the advertising opportunities of other businesses. The proposed signs have been designed to respect important features of the site and the proposed buildings through appropriate height and simple yet efficient design.</p>
Associated devices and logos with advertisements	<p>The proposed signs where indicated in Table 4 will be backlit to illuminate LED to comply with the relevant Australian Standards for external lighting and not to cause obtrusive lighting and have been designed as an integral part of each</p>

Assessment Criteria	Proposed Signage
and advertising structures	signage structure. The illumination of the signs is not considered likely to impact on residential properties as these are remote from the site.
Illumination	The locations of illumination of the proposed signage will be designed so as not to detract from the amenity of any residences. All illumination will comply with the light emission criteria of the SEPP and the Australian Standard, that is have been designed in accordance with Australian Standards for illumination. Furthermore, the illumination of the proposed signs is not considered likely to adversely impact on adjoining properties.
Safety	<p>All proposed signs are static graphics and of a scale to be easily read and recognised from the car parking areas of the shopping centre and will be directly visible along Barton Street and the unnamed laneway. Barton Street is not a classified road, and as such, will not reduce the safety of motorists and pedestrians. As such, traffic movements to and from the site and surrounding the site will not be affected by the proposed signage.</p> <p>The proposed signs have been designed to avoid any potential issues relating to the safety of pedestrian & vehicular traffic and will not obstruct driver sightlines or pedestrian view lines. Furthermore, the construction and installation of the signs will be structurally sound.</p>

4.5 SECTION 4.15(1)(A)(II) ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT

In December 2021, the five (5) new employment zones and three (3) supporting zones were formally introduced to the Standard Instrument (Local Environmental Plans) Order 2006 to exist alongside the existing business and industrial zones. The changes were introduced by the NSW Government with key aims including maximising productivity while ensuring the zones are ‘fit for purpose’, addressing current barriers in the planning system for businesses, and better supporting councils in delivering strategic visions in their Local Strategic Planning Statements.

The new zones were originally targeted to commence on 1 December 2022 via a “self-repealing” State Environmental Planning Policy (SEPP) which will introduce the new zones into local environment plans and the existing Business and Industrial Zones will be repealed. The “self-repealing” SEPP in effect means that no local Council need prepare a separate Planning Proposal to update the applicable LEP via an LEP Amendment in each local government area. Rather the new SEPP will automatically, when it takes effect, amend each existing LEP throughout the State. Individual Councils are not undertaking the preparation of LEP Amendments / Planning Proposals.

This DA was lodged prior to the 26 April 2023. As of 26 April 2023, the zoning became E1 Local Centre.

The proposal is consistent with each of the E1 zone objectives. It is also noted that “commercial premises” remains with Item 3 “Permitted with consent” as a permissible form of development in the E1 Local Centre zone.

There are no other draft environmental planning instruments affecting the proposed development.

4.6 SECTION 4.15 (1) (A) (III) DEVELOPMENT CONTROL PLANS

In 2013, the NSW Government made legislative amendments aimed at restating the strength of DCPs. The amendments have returned the DCP status to what was initially intended, being a ‘flexible guideline’ that would complement the development controls provided by the legally binding LEP. The amendments also provide that during the decision-making process, the Council is required to because of Section 4.15(3A)):

- Use a flexible approach in applying DCP standards,
- Not to enforce more onerous standards than those contained in the standards of the LEP.

Where Section 4.15(3A) states:

(3A) Development control plans If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*
- (c) may consider those provisions only in connection with the assessment of that development application.*

In this subsection, standards include performance criteria.

Therefore, *Environmental Planning and Assessment Amendment Act 2012 (and as amended on 1 March 2021)*, clarified the purpose and status of development control plans, being to **‘provide guidance’** to proponents and Councils in achieving land use zone objectives and facilitating permissible development under an environmental planning instrument.

Furthermore, to assist in the assessment of DAs, the amended legislation states that where a proposal does not comply with DCP controls, the consent authority is to be **‘flexible in applying those provisions’** and allow for **‘reasonable alternative solutions’** that achieve the objectives of those standards for dealing with that aspect of the development. It is important to recall these revisions to the status and application of DCPs in development assessment.

Cessnock Development Control Plan 2010

The Cessnock *Development Control Plan 2010* (CDCP) applies to land in Cessnock Shire LGA. The CDCP provides a comprehensive set of development principles. An assessment of the proposal against the relevant controls and chapters of the CDCP have been undertaken into consideration with the preparation of the following reports and drawings:

1. Site analysis plan, demolition plan and signage drawings in **Appendix B**.
2. Amended Landscape Public Domain Drawings at **Appendix B**.
3. Waste Management Plans for demolition / construction and operations at **Appendix G**.
4. BCA and Fire Engineer's Statements are in **Appendix Q**.
5. Traffic Impact Assessment Report in **Appendix E**.
6. Access Report and Access Design Certification Review in **Appendix F**.
7. Waste Management Plans for demolition, construction, and operational stages in **Appendix G**.
8. A Section J Report is included in **Appendix H**.
9. Amended Engineering drawings in **Appendix I**.
10. An acoustic Report is included in **Appendix J**.
11. A preliminary and detailed site investigation report is included in **Appendix K**.
12. An Updated Heritage Impact Assessment Report which has addressed Part D Chapter 12, in **Appendix L**.
13. An Updated CPTED Report in **Appendix M**; and
14. Consultation Report in **Appendix T**.

The proposal has had consideration of the Cessnock DCP 2010. The proposed development includes information as listed above to assist with responding to CDCP.

CDCP 2010 Part C: General Guidelines Chapter 1: Parking and Traffic

The Traffic Impact Assessment report included in **Appendix E** has addressed in detail the car parking requirements of the CDCP in paragraphs 3.5 to 3.16. Table 3.1 in paragraph 3.9 below summarises the car parking assessment:

3.9 The additional parking required for the proposed development is set out below in Table 3.1. This includes the 15 space discount resulting from the DTB.

Table 3.1	Summary of Additional Parking Required (DCP)				
Component	Existing Area	DA Area	Additional Area	Rate	Parking Required
Supermarket	1,800m ²	3,179m ²	+ 1,379m ²	1/15m ²	+92
Specialty shops	1,400m ²	650m ²	- 750m ²	1/20m ²	- 38
Office	0	232m ²	+ 232m ²	1/30m ²	+8
DTB	0	112m ²	+ 112m ²	1/75m ²	+2
				Sub-Total	+64
Discount to retail parking as a result of DTB					- 15
				Total	+ 49 spaces

CDCP 2010 Part C: General Guidelines Chapter 3: Contaminated Lands

The preliminary and detailed site investigation report included in **Appendix K** can be used by the Council as the applicants' responses to this chapter of the CDCP.

CDCP 2010 Part C: General Guidelines Chapter 5: Waste Management

Waste Management Plans for demolition, construction and operations have been prepared and included in **Appendix G**, can be used by Council as the applicants' responses to this chapter of the CDCP.

CDCP 2010 Part C: General Guidelines Chapter 6: Access & Mobility

An Access Report and Access Design Certification are included in **Appendix F**, can be used by the Council as the applicants' responses to this chapter of the CDCP.

CDCP 2010 Part C: General Guidelines Chapter 8: Social Impact Assessment and Crime Prevention Through Environmental Design

A Social Impact Assessment has been prepared and included in **Appendix Q**. A Consultation Report in **Appendix T**, and an Updated CPTED Report in **Appendix M**. This information can also be taken by the Council to respond to the Social Impact Guidelines.

An Updated Crime Prevention through Environmental Design report (CPTED) has been prepared to assess the layout of the proposed redeveloped shopping centre as included in **Appendix M**. This information can also be taken by the Council to respond to the Crime Prevention Through Environmental Design Guidelines.

CDCP 2010 Part D Specific Development Chapter 5: Outdoor Signage

The proposal has had consideration of the CDCP 2010 Part D Chapter 5 – Outdoor Signage.

The proposal seeks the inclusion of signage listed as permitted in the B2 zone under Table in Clause 5.2.1.

The number of signs is consistent with the maximum number permitted if taken as a requirement per elevation as listed in the Table under Clause 5.2.3.

The number of signs is also consistent with the requirements under Clause 5.6.3 given the site has multiple frontages and seeks to provide way finding and landmarking information for pedestrians and vehicles travelling towards the site and withing the site.

Construction Management

A Construction Management Plan can be provided to Council prior to the issue of a Construction Certificate which will also deal with construction traffic management and dust / noise during the demolition and construction phases once a principal contractor can be appointed.

The council can support the proposal as currently designed.

4.7 SECTION 4.15 (1) (A) (IIIA) PLANNING AGREEMENTS

The owners of the land have prepared the VPA Letter of Offer in **Appendix V** associated with the laneway and public domain improvements.

4.8 SECTION 4.15 (1) (A) (IV) ANY MATTER PRESCRIBED BY THE REGULATION

Clause 92 of the *Environmental Planning and Assessment Regulation 2021* specifies that in the case of a development application for the demolition, the provisions of Australian Standard AS 2601—1991: *The Demolition of Structures*, published by Standards Australia, and as in force at 1 July 1993 are a prescribed matter for the purposes of Section 4.15 (1)(a)(iv) of the EP&A Act. This Australian Standard can be implemented once a tender process has been completed to appoint a builder. Refer to the demolition drawing included in **Appendix B**.

A BCA report and Fire Engineering Statement (see **Appendix R**) included with this DA which demonstrate the proposal will comply with the NCC BCA and is capable of gaining a Construction Certificate as design in the DA.

Should the application be assessed as suitable for approval, Council will need to include in the draft condition set, conditions to address the mandatory clauses under the *Environmental Planning and Assessment Regulation 2021*.

4.9 SECTION 4.15 (1) (A) (V) REPEALED

Not applicable.

4.10 SECTION 4.15 (1) (B) IMPACTS OF DEVELOPMENT

Pursuant to Section 4.15 (1) (B) of the Act, *‘the likely impacts of that development’* have been assessed in the follow subsections:

Context and setting

The existing setting is characterised by “retail premises” as the Kingsway Plaza exists on the site. The proposed development has been designed having regard to the characteristics, topography, and orientation of the site and its relationship to neighbouring land as well as the wider setting. As such, the subject site is considered an appropriate context and setting for the proposed development and ancillary works.

Public Domain

The footpath areas immediately adjacent to site are not proposed to be altered by this DA and can be protected during construction.

Lighting Assessment

All external lighting will be installed in accordance with the relevant Australian Standards which set the required lux details.

4.10.4 Heritage

Please refer to the Updated Heritage Impact Statement included in **Appendix L**.

Access, traffic, and parking

A Traffic Impact Assessment as included in Appendix E has assessed access, traffic, parking, and the proposed relocated unnamed laneway as being accessible.

Natural and Technological Hazards

There are no hazards which would preclude the DA via the imposition of conditions associated with the preliminary and detailed site investigation report previously discussed in Section 4.4.3 of this report in relation to Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021.

Waste Management

A Waste Management Plans form part of this DA included at **Appendix G**. These include the measures proposed for managing waste in the construction phases according to waste management principles and priorities of:

1. Reduce wastes at the source;
2. Reuse materials, where possible;

3. Recycle wastes, where practical;
4. Removal of all waste from the site; and
5. Dispose of wastes appropriately and responsibly.

Flora and Fauna

There are no listed threatened species or endangered species identified on the site and as such no significant flora and fauna will be impacted by the proposal.

Contamination

See Section 4.4.3 of this report.

Utility service infrastructure

The subject site has access to essential services including water, sewerage, electricity, telecommunications, and gas available to it with capacity to accommodate the proposal.

Crime Prevention Through Environmental Design

The proposed development has been designed for safety and security of site users and to accord with the principles of CPTED (refer to the Updated CPTED Report in **Appendix M**) including the following:

1. natural surveillance with clear sight lines and avoidance of blind corners and sightline obstructions across trafficable parts of the site and between activity areas;
2. active CCTV surveillance and security services;
3. access control for back-of-house and loading dock areas, and for outside operating hours throughout the proposed development;
4. durable building design and materials and proposed development management that contribute to territorial reinforcement.

Design Considerations Relationship between Design and Crime

Crime Prevention: Aims to prevent crime and anti-social behaviour before it occurs.

Social prevention: Aims at addressing socio-economic causes of crime.

Situational prevention: Seeks to reduce opportunities for crime and anti-social activity through changing the environment.

Examples:

- A typical offender will assess the potential crime location before committing a crime.

- Building design or use can create an environment that is not conducive to crime.
- Building design should seek to address both actual crime and fear of crime.
- Good design should encourage an open society, open space, and freedom of movement.

A fear of crime leads to reduced participation in civil society. This also leads to a self-fulfilling prophecy, that is if an area is perceived as unsafe, people retreat into homes, surveillance is reduced, and crime is encouraged.

Holistic Approach

Crime Prevention for development – a holistic approach involving:

- CPTED (Crime Prevention through Environmental Design) principles;
- Engineering and physical measures. E.g. CCTV, security doors, security patrols, mirrors;
- Management strategies. E.g. Security Management Plan.

Crime Prevention through Environmental Design

Crime Prevention through Environmental Design (CPTED) aims to reduce crime and change perceptions of crime through changing the physical environment.

- CPTED increases risk for criminals by increasing chance of detection, challenge, and capture;
- Increases effort required to commit crime by increasing the time, energy and resources needed to be expended;
- Removes conditions that create confusion about behaviour norms;

The CPTED Principles

There are four principles that need to be used in the assessment of development applications to minimise the opportunity for crime:

- Surveillance;
- Access Control;
- Territorial Reinforcement;
- Space Management.

Consideration has been given to the incorporation of these principles concerning entrances, sight lines, into the premises and from the car park, opportunities for technical and passive surveillance, interrelationships with the parking area, lighting, legibility and accessibility, ownership and space management, security and safety, and minimisation of 'entrapment' opportunities.

The proposed development will employ several passive and active crime prevention measures and have been assessed as acceptable in the Updated CPTED Report included in **Appendix M**.

Economic Impact

The proposed development will ensure that the new development is complementary to the existing approved development within the Kurri Kurri town centre. The proposed development will maintain jobs. The proposed development will have several positive social and economic effects in the locality, which are considered to mitigate any adverse economic impacts, including:

- meets consumer demand from the community for weather protected outdoor areas;
- provide improved shopping facilities and a wide range of products, choices, and price competition in the LGA;
- generates permanent employment with direct jobs on-site in the development and indirect flow-on jobs;
- generates construction employment with direct and indirect jobs; and
- provides for a renewed / refreshed appearance and the improved opportunity for activity along the building frontages that contributes to building a sense of place, identity, community, and social cohesion.

Air and microclimate

The proposed development is not considered likely to give rise to a change in the existing microclimate.

Construction Management

A detailed Construction Management Plan can be prepared as part of a Construction Certificate once a builder has been appointed and prior to the commencement of works to manage potential impacts of construction activities including site safety, security and access control, construction vehicles, soil and water management, waste management, noise, and construction hours. Details of which can be supplied at the construction stage of the project once a principal builder has been appointed following the tender process.

Cumulative Impact

It is considered the cumulative impact of the proposed development can be managed and mitigated as discussed previously in this report, therefore overall, the proposed development can be supported.

4.11 SECTION 4.15(1)(C) SITE SUITABILITY

Section 4.15(1)(C) of the act requires consideration of the suitability of the site for the development. The primary matters under Section 4.15 (1)(C) are whether the proposal fits into the locality and if the site attributes are conducive to the proposed development.

The site and surrounding locality do not present any significant physical, ecological, technological, or social constraints on the site for the proposed development. In summary, there are limited constraints on the proposed development of the site and minimal conflicts will occur with surrounding land uses.

4.12 SECTION 4.15(1)(E) THE PUBLIC INTEREST

Section 4.15(D) and (E) of the EP&A Act require that any public submissions made in accordance with the Act, or the public interest be considered in the development assessment process.

Council will notify and advertise the application as required by the CDCP and the Cessnock Community Participation Plan. Any submission received will be taken into consideration during the assessment and determination process.

4.13 SECTION 4.46 OF THE EP&A ACT - INTEGRATED DEVELOPMENT

The provisions of Section 4.46 of the EP&A Act state:

4.46 What is “integrated development”?

(1) Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more of the following approvals:

Under the provisions of Section 4.46 of the EP&A Act, where a proposed development triggers the requirements for an approval from a State Government department, agency, or authority a proposal is integrated. Section 4.46 of the EP&A Act states:

4.46 What is “integrated development”?

(cf previous s 91)

(1) Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more of the following approvals:

Act	Provision	Approval
Coal Mine Subsidence Compensation s 22 Act 2017		approval to alter or erect improvements, or to subdivide land, within a mine subsidence district
Fisheries Management Act 1994	s 144	aquaculture permit
	s 201	permit to carry out dredging or reclamation work
	s 205	permit to cut, remove, damage, or destroy marine vegetation on public water land or

		<i>an aquaculture lease, or on the foreshore of any such land or lease</i>
	<i>s 219</i>	<i>permit to:</i>
		<i>(a) set a net, netting or other material, or</i>
		<i>(b) construct or alter a dam, floodgate, causeway, or weir, or</i>
		<i>(c) otherwise create an obstruction,</i>
		<i>across or within a bay, inlet, river, or creek, or across or around a flat</i>
<i>Heritage Act 1977</i>	<i>s 58</i>	<i>approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1)</i>
<i>Mining Act 1992</i>	<i>ss 63, 64</i>	<i>grant of mining lease</i>
<i>National Parks and Wildlife Act 1974</i>	<i>s 90</i>	<i>grant of Aboriginal heritage impact permit</i>
<i>Petroleum (Onshore) Act 1991</i>	<i>s 16</i>	<i>grant of production lease</i>
<i>Protection of the Environment Operations Act 1997</i>	<i>ss 43 (a), 47 and 55</i>	<i>Environment protection licence to authorise carrying out of scheduled development work at any premises.</i>
	<i>ss 43 (b), 48 and 55</i>	<i>Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).</i>
	<i>ss 43 (d), 55 and 122</i>	<i>Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.</i>
<i>Roads Act 1993</i>	<i>s 138</i>	<i>consent to:</i>
		<i>(a) erect a structure or carry out a work in, on or over a public road, or</i>
		<i>(b) dig up or disturb the surface of a public road, or</i>
		<i>(c) remove or interfere with a structure, work, or tree on a public road, or</i>
		<i>(d) pump water into a public road from any land adjoining the road, or</i>
		<i>(e) connect a road (whether public or private) to a classified road</i>
<i>Rural Fires Act 1997</i>	<i>s 100B</i>	<i>authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or</i>

development of land for special fire protection purposes

Water Management Act 2000 ss 89, 90, 91

water use approval, water management work approval or activity approval under Part 3 of Chapter 3

(1A) Development is integrated development in respect of a licence that may be granted under the Protection of the Environment Operations Act 1997 to control the carrying out of non-scheduled activities for the purpose of regulating water pollution only if:

(a) the development application stipulates that an application for such a licence has been or will be made in respect of the development, or

(b) the Environment Protection Authority notifies the consent authority in writing before the development application is granted or refused that an application for such a licence has been or may be made in respect of the development.

(2) Development is not integrated development in respect of an Aboriginal heritage impact permit required under Part 6 of the National Parks and Wildlife Act 1974 unless:

(a) an Aboriginal object referred to in that Part is known, immediately before the development application is made, to exist on the land to which the development application applies, or

(b) the land to which the development application applies is an Aboriginal place within the meaning of that Act immediately before the development application is made.

(3) Development is not integrated development in respect of the consent required under section 138 of the Roads Act 1993 if, in order for the development to be carried out, it requires the development consent of a council and the approval of the same council.

(4) Development is not integrated development in respect of the approval required under section 57 of the Heritage Act 1977 if the approval that is required is the approval of a council.

The proposal does not trigger an integrated referral to any NSW Government Department or authority as an integrated development. A separate application has been submitted to Council associated with the unnamed laneway road closure and relocation under Section 138 of the Roads Act where Council is the authority and the details of assigning responsibilities for staging and processes form part of the draft VPA Deed.

5. SUMMARY AND CONCLUSION

This SEE report has been prepared to assess the proposed redevelopment of an existing shopping centre:

- demolition of existing structures and site works;
- part road closure, relocation, and extension of existing laneway road with associated subdivision;
- alterations and additions to the Lang Street existing pharmacy building,
- construction of a new commercial building with two specialty shops and new Woolworths supermarket store with usage and fit out, including:
 - mezzanine offices, plant room and plant deck,
 - car parking,
 - “Direct to Boot” bays and storage,
 - signage , publicly accessible plaza, and public art space,
 - loading facilities, and
 - landscaping.

at 174-178 Lang Street, Kurri Kurri, and unnamed laneway.

The aims of this report have been to provide the following:

1. Description of the site and locality;
2. Description of the proposed development;
3. Assessment of relevant environmental planning matters for consideration under Section 4.15 of the EP&A Act including compliance with planning instruments and controls, environmental impacts, site suitability and the public interest; and
4. A summary with respect to the proposal.

This environmental planning assessment makes the following conclusions about the proposed development:

- it complies with CLEP being the main planning instrument affect the land and the proposal;
- it is consistent with the existing and desired future character of the locality;
- it will not have any unreasonable impact on adjacent properties or unacceptable socio-economic impacts which cannot be mitigated by the imposition of conditions; and

- there are no environmental constraints of such significance as to preclude the proposed development.

In summary, the proposed development is appropriate in the current context of the subject site and is consistent with the statutory and policy requirements of both Council and the State government.

No significant impacts are envisaged to occur upon the amenity of surrounding properties. The proposal will result in improved amenity in the immediate locality with positive economic and social impacts on the locality.

Having regard to the analysis and assessment within this report, it is therefore recommended that the application be supported.

APPENDIX A

Updated Site Survey

APPENDIX B

**Amended Architectural Drawings, Site Analysis, signage drawing,
demolition plan, and summary list Rev C 21/2/2024**

APPENDIX C

Amended Landscape Public Domain Architectural Drawings

APPENDIX D

QS Costs

APPENDIX E

Traffic Impact Assessment Report and Additional Information

APPENDIX F

Access Report and DDA Certification Statement

APPENDIX G

Waste Management Plans

APPENDIX H

NCC Section J Report

APPENDIX I

Amended Engineering Drawings

APPENDIX J

Acoustic Report

APPENDIX K

Preliminary and Detail Site Investigation

APPENDIX L

Updated Heritage Impact Statement

APPENDIX M

Updated CPTED Report

APPENDIX N

ASS an SS Assessments

APPENDIX O

2nd Pre-lodgement Meeting Notes

APPENDIX P

Hunter Water Approval

APPENDIX Q

Social Impact Assessment

APPENDIX R

BCA and Fire Engineer's Statements

APPENDIX S

Urban Design and Site Analysis Report

APPENDIX T

Consultation Report

APPENDIX U

Urban Design Peer Review

APPENDIX V

VPA Letter of Offer